

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 12, 2011  
**TIME:** 8:45 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb  
**ABSENT/**  
**EXCUSED:** Representative(s) Black  
**GUESTS:** None

**Chairman Loertscher** called the meeting to order at 8:45 a.m.

**Chairman Loertscher** welcomed the committee and its new members. He explained the rules and procedures for the committee and outlined the responsibilities of State Affairs. He told the committee that he will be calling the meetings to order on time.

**Vice Chairman Crane** was recognized for the purpose of assigning subcommittees for review of administrative rules.

There will be two subcommittees for reviewing rules. The chairmen will be **Rep. Luker** and **Rep. Simpson**. The committees are as follows:

**Chair Rep. Luker**

Rep. Palmer  
Rep. Guthrie  
Rep. McGeachin  
Rep. Buckner-Webb

**Chair Rep. Simpson**

Rep. Henderson  
Rep. Sims  
Rep. Takasugi  
Rep. King

**Rep. Luker's** committee will review the **State Athletic Commission** rules IDAPA 03; the **Endowment Fund Investment Board** rules IDAPA 32; the **Department of Administration** rules IDAPA 38; the **Office of The Administrative Rules Coordinator** rules IDAPA 44; and the **Idaho Public Utilities Commission** rules IDAPA 31

**Rep. Simpson's** committee will review the **Secretary of State** rules IDAPA 34.

There was a brief discussion among the committee regarding the next meeting and possible subcommittee times.

**ADJOURN:** There being no further business to come before the committee the meeting was adjourned at 8:54 a.m.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**LUKER SUBCOMMITTEE**  
Administrative Rules  
3:00 P.M.  
Room EW41  
Monday, January 17, 2011

DOCKET NO.	DESCRIPTION	PRESENTER
03-0101-1001	<b>IDAPA 03 State Athletic Commission</b> 03.01.01 Rules of the State Athletic Commission	Tom Katsilometes; Commissioner
32-0101-1001	<b>IDAPA 32 Endowment Fund Investment Board</b> 32.01.01 Rules Governing the Credit Enhancement Program for School Districts	Larry Johnson; Manager of Investments.
44-0101-1001	<b>IDAPA 44 Office of The Administrative Rules Coordinator</b> 44.01.01 Rules of the Administrative Rules Coordinator	Dennis Stevenson; Admin. Rules Coordinator.
38-0501-1001	<b>IDAPA 38 Department of Administration</b> 38.05.01 Rules of the Division of Purchasing	Bill Burns; Administrator in the Division of Purchasing.

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Lynn Luker  
Vice Chair Joe Palmer  
Rep Cherie Buckner-Webb  
Rep Janice McGeachin  
Rep Jim Guthrie

COMMITTEE SECRETARY

Camille Luna  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**LUKER SUBCOMMITTEE**  
Administrative Rules

**DATE:** Monday, January 17, 2011

**TIME:** 3:00 P.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Luker, Vice Chairman Palmer, Representatives Buckner-Webb, McGeachin, Guthrie

**ABSENT/  
EXCUSED:**

**GUESTS:** Roger Hales; Idaho Athletic Commission, Dennis Stevenson; Department of Administration, Bill Burns; Division of Purchasing, Larry Johnson; EFIB, Maureen Brewer; OPE, Rep. Nonini; Chairman of the House Education Committee

**Chairman Luker** called the meeting to order at 3:00 p.m.

He explained what the committee will be reviewing and the action that will be taken place on these rules.

**DOCKET NO. 03-0101-1001** **Roger Hales** representing the **Idaho Athletic Commission** introduced **Docket No. 03-0101-1001** to the subcommittee. He stated that this rule is a fee rule and has been adopted by the agency but was pending review by the Idaho State Legislature. He said that based upon the passage of **House Bill 684** the State Athletic Commission is establishing application, initial review, and annual review fees for amateur sanctioning organizations; those fees being a two hundred and fifty dollar application processing fee and a five hundred dollar annual approval fee. Some of the changes included "housekeeping" procedures for language as well as correcting some grammatical errors. He explained that this rule better clarifies the health care insurance a promoter is responsible to have for their fighters. It clarifies where bond and financial security funds are to be made payable to (State of Idaho). This legislation clarifies the difference between an amateur boxer and a professional boxer and the amounts allowed to pay to each.

**MOTION:** **Rep. McGeachin** moved to recommend approval of **Docket No. 03-0101-1001** to the full committee. **Motion carried on voice vote.**

**DOCKET NO. 32-0101-1001** **Rep. Nonini** asked the subcommittee to recommend **Docket No. 32-0101-1001** to the **House Education Committee** to be reviewed. He explained that his members of the Education Committee have shown interest in discussing this rule regarding school districts.

**MOTION:** **Rep. Palmer** moved to recommend **Docket No. 32-0101-1001** to be reviewed in the **House Education Committee**. **Motion carried by voice vote.**

**DOCKET NO.  
38-0501-1001**

**Dennis Stevenson; Administrative Rules Coordinator** for the **Department of Administration** explained **Docket No. 38-0501-1001** to the subcommittee. He explained that the rules of the Administrative Rules Coordinator were originally promulgated to comply with the statutory requirement of the Administrative Procedure Act and that those rules established a uniform numbering, format and style for all of Idaho's state agency administrative rules, address rule filing and promulgation procedures, establish a publication schedule for the Administrative Bulletin and Administrative Code, and provided subscription services and electronic availability of rules. He stated that during the last legislative session, this committee approved **House Bills 412** and **413**, both of which were enacted in July of last year. These bills removed the requirement that the Administrative Bulletin and the Administrative Code be published in printed and bound volumes and allowed these publications to be published and disseminated in the electronic-only format. He explained that most of the substantive changes to this rule were made to implement these statutory changes and while doing that he did update language to help clarify the rule. The substantive changes to the rule include references to printed volumes of code and bulletin were changed to "electronic" versions of these publications, language was added to provide information for accessing the administrative rules through the office website. The last change would address making non-substantive changes to a rule by the Rules Coordinator that can be done outside regular rulemaking procedures.

**MOTION:**

**Rep. McGeachin** moved to recommend approval of **Docket No. 38-0501-1001** to the full committee. **Motion carried on voice vote.**

**DOCKET NO  
38-0501-1001**

**Bill Burns; Administrator of the Division of Purchasing** for the **Department of Administration** presented **Docket No. 38-0501-1001** to the subcommittee. He explained that the objectives of this rule would change language to be more consistent with statute adopted during the last legislative session and it would change the contracting process for the state and its agencies making it more effective and efficient. This rule provides that purchases in the amounts less than ten thousand dollars (previously five thousand dollars) may be acquired as each agency sees fit in accordance with good business practices and in the best interest of the state. He said this is beneficial because it promotes more efficiency in the procurement process and decreases transactions, promotes more local business and he feels presents minimal risk. Another change in this rule revises the small purchase exemption limit. He stated that currently the division of purchasing completes and manages the procurement of most goods and services at the small purchases ceiling of seventy five thousand dollars through a sealed bid process. Agencies manage the procurement of goods and services considered small purchases, if the division of purchasing delegates that authority. Small purchases must be competed through quotes where the buyer seeks to obtain quotes from at least three suppliers with significant Idaho presence. The change increases the small purchase limit for products and services to one hundred thousand dollars. By making this change it will allow the division of purchasing to delegate more purchasing decisions to be made by the agency with reduced division of purchasing involvement. The last item in the rule mandates pre-proposal meetings as a requirement for requests for proposals. This process allows for suppliers and buying agencies to meet, discuss and discover more information to the procurement of goods and services and allow for good contract decision making. In response to questions from the committee **Bill Burns** stated that all agencies would be required to comply with pre-proposal meetings and he stated that all agencies are qualified by statute to submit bids and it is after the proposal is received that they work backwards looking for anything that

would disqualify the agency. He also stated that all agencies are subject to internal audit reviews by the Purchasing Division to track the extra moneys being allotted.

**MOTION:**        **Rep. McGeachin** moved to recommend approval of **Docket No 38–0501–1001** to the full committee. **Motion carried on voice vote.**

**ADJOURN:**        There being no further business before the subcommittee; the meeting was adjourned at 3:46 p.m.

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Representative Lynn Luker  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
SIMPSON SUBCOMMITTEE  
Administrative Rules  
9:30 A.M.  
Room EW40  
Monday, January 17, 2011

DOCKET NO.	DESCRIPTION	PRESENTER
	IDAPA 34 Secretary of State	Jeff Harvey; Office of the Secretary of State
34-0101-1001	34.01.01 Fees for Automated Data Retrieval	
34-0102-1001	34.01.02 Rules Governing Facsimile Services and Fees	
34-0103-1001	34.01.03 Rules Governing the Public Access Information System	
34-0104-1001	34.01.04 Rules Governing the Electronic Bulletin Board Services	
34-0501-1001	34.05.01 Rules Governing Farm Products Central Filing System	
34-0502-1001	34.05.02 Rules Governing Liens in Crops, for Seed, and Farm Labor	
34-0504-1001	34.05.04 Rules Governing Public Access to UCC Files	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Erik Simpson  
Vice Chair Frank Henderson  
Rep Pat Takasugi  
Rep Kathleen Sims  
Rep Phylis King

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**SIMPSON SUBCOMMITTEE**  
Administrative Rules

**DATE:** Monday, January 17, 2011  
**TIME:** 9:30 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Simpson, Vice Chairman Henderson, Representatives Sims, Takasugi (Batt), King  
**ABSENT/  
EXCUSED:**  
**GUESTS:** Tim Hurst; Secretary of State's Office, Jeff Harvey; Secretary of State's Office, Dennis Stevenson; Rules Coordinator from the Department of Administration.

Subcommittee **Chairman Simpson** called the meeting to order at 9:30 A.M.

He explained the reason for the subcommittee and briefly referred to the rules being presented. He then introduced **Jeff Harvey** from the Secretary of State's office.

**DOCKET NO.** **Jeff Harvey** started by thanking the subcommittee for the opportunity to present these amendments and repeals for **IDAPA 34 Secretary of State Rules**. He started with **34-0101-1001, 34-0102-1001, 34-0103-1001, 34-0104-1001, and 34-0504-1001** **Docket No 34-0101-1001** (Chapter Repeal) which addresses the fees for automated data retrieval. He stated that these rules had not been addressed in seventeen years and were no longer needed because the service has been replaced with a system that the Secretary of State's Office finds to be more efficient and up to date. He moved to **Docket No 34-0102-1001** (Chapter Repeal) which is in reference to the rules governing facsimile services and fees. He again stated that these rules are seventeen years old and that back in 1993 faxing documents was more of a challenge and required more maintenance than today. This repeal would abolish the fifty-cent per-page fee; he explained that today there was really no explanation for the fee other than it was put into statute seventeen years prior. He also mentioned that the fee was not being used across all departments which was confusing and needed to be done away with. Mr. Harvey then moved to **Docket Numbers 34-0103-1001 & 34-0104-1001** (Chapter Repeals) which deals with rules governing the public access information system (PAIS) and the electronic bulletin board service. He stated this is again a seventeen-year-old rule and has not been used in over ten years. It has been replaced by Access Idaho services. He then moved to the last chapter repeal being **Docket No 34-0504-1001** which addresses rules governing public access to UCC files. He stated this was another program that has not been used in several years because it pertains to data retrieval in 1993 and that everything today is electronic.

**MOTION:** **Rep. King** moved to recommend approval of **Docket Numbers 34-0101-1001, 34-0102-1001, 34-0103-1001, 34-0104-1001, and 34-0504-1001** to the full committee. **Motion carried on voice vote.**



**DOCKET NO.  
34-0501-1001**

**Jeff Harvey** presented amendments for the Secretary of State's office to the subcommittee starting with **Docket No. 34-0501-1001** which are rules governing the farm products central filing system. He stated this rule was adopted by the agency in October of 2010 and was pending review by the 2011 Idaho State Legislature. He went into detail on the financial reports that have gone out in the past that include individuals social security numbers as well as tax identification numbers and how that needs to be amended for identification safety. With this amendment, there will no longer be social security numbers or tax identification numbers on those reports. In response to questions, Mr. Harvey stated the fee of a dollar-per-page is a fee set in statute.

**MOTION:**

**Rep. King** moved to recommend approval of **Docket No. 34-0501-1001** to the full committee. **Motion carried on voice vote.**

**DOCKET NO.  
34-0502-1001**

**Jeff Harvey** presented **Docket No. 34-0502-1001** to the subcommittee. He stated that this was a seventeen-year-old rule that needed to be amended. He explained the majority of this amendment would eliminate redundant information that can be found elsewhere and is detailed enough that the information here was unnecessary. He explained that in the rule there was specific information about how to file this paperwork and that it was not needed and could be found with those who are actually filing information. In response to questions, Mr. Harvey explained this paperwork is filed by someone who provides services to or working on a farm.

**MOTION:**

**Rep. King** moved to recommend approval of **Docket No. 34-0502-1001** to the full committee. **Motion carried on voice vote.**

**ADJOURN:**

There being no further business before the subcommittee; the meeting was adjourned at 9:47am.

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Representative Erik Simpson  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, January 18, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>RS20105C2</b>	Election Consolidation	Tim Hurst Secretary of State
<b>RS20009</b>	Lava Hot Springs Foundation	Rep. Andurs Mark Lowe Lava Hot Springs
<b>RS19926C1</b>	Information Technology Resource Management Council	Greg Zickau Department of Administration

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Guthrie
Vice Chair Crane	Rep Henderson
Rep Anderson	Rep McGeachin
Rep Stevenson	Rep Sims
Rep Black	Rep Takasugi
Rep Andrus	Rep Smith(30)
Rep Bilbao	Rep King
Rep Luker	Rep Higgins
Rep Palmer	Rep Buckner-Webb
Rep Simpson	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 18, 2011  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** Representative(s) Black  
**GUESTS:** Greg Zickau; Department of Admin., Bob Yebelher; Connelly & Smyser, Skip Smyser; Connelly & Smyser, Matt Maleh; Risch-Pisca, Tim Hurst; Secretary of States Office

**Chairman Loertscher** called the meeting to order at 9:00am.

He explained that the minutes would be emailed to committee members from here on out and that they would then be approved in committee.

**MOTION:** **Rep. Higgins** moved to approve the minutes from January 12th, 2011 House State Affairs Committee. **Motion was carried on voice vote.**

**RS20105C2:** **Tim Hurst; Chief Deputy** from the **Secretary of States Office**, presented **RS20105C2** to the State Affairs committee. He stated that this legislation makes technical corrections to the Election Consolidation Legislation that was passed back in 2009 (**House Bill 372**). The changes being made include allowing more flexibility with moneys given to counties by the Secretary of States Office. Currently 1.5 million dollars is allotted to the Secretary of States Office for counties to fund Consolidated Elections. With this change it would allow those moneys to be used to provide training and training materials (maps, training sessions) directly related to election consolidation within the counties. He also mentioned that the money that is unused is directed back into the general fund. Further in **RS20105C2** it goes into detail on the absentee ballot delivery time line as well as the process of filing dates for an election. Within this legislation; write in candidates would be required to declare their intent of being a write in candidate for an election forty five days (instead of twenty five days) prior to an election. Also an election that only have one person file to run would not have ballots printed but would be directly appointed to the position and this would cut cost on printing ballots. He explained that this legislation would achieve an orderly transition to hold trustee elections in odd-numbered years and proceeded to explain the schedule for elected officials that would need to take place to achieve this. There is an emergency clause in this legislation in order for the election schedule to apply. In response to questions **Tim Hurst** explained to the committee regarding the funds given to the counties from the Secretary of States Office that this legislation is asking for continuing use and flexibility of those funds and not asking for more.

**MOTION:** **Rep. Simpson** moved to introduce **RS20105C2**. **Motion carried on voice vote.**

**RS20009:** **Rep. Andrus** presented **RS20009** before the House State Affairs Committee. He started by sharing some information about Lava Hot Springs and some of its amenities that make it unique. Required in Idaho Code, the Lava Hot Springs Foundation has to seek approval from the Board of Examiners prior to leasing any land to a third party. He stated that this legislation would not require the approval of the Board of Examiners of the State of Idaho. In response to questions from the committee; **Rep. Andrus** stated that he would provide more information on the Board of Examiners as well as the Foundation.

**MOTION:** **Rep. Smith** moved to introduced **RS20009**. **Motion carried on voice vote.**

**RS19926C1:** **Greg Zickau; Chief Technology Officer** at the **Department of Administration** presented **RS19926C1**. He started by explaining that as the Department of Administration went through the Zero Base Budgeting process, a key goal was to identify gaps between statutory responsibility and program execution. He stated that this would result in finding something that they were doing for which they didn't have a specific authority or could result in finding something for which had a specific responsibility but where the execution was either lacking or non-existent. In this case, **Idaho Code 67-5745C** requires the Information Technology Resource Council to maintain a comprehensive inventory of information technology systems. He stated that one of his duties within the Department of Administration is to support ITRMC and this particular responsibility of ITRMC would be one that his office would execute; however, the process and system they had in place to track the inventory of information technology systems was not functioning well for them or for the agencies whose efforts fed the system in an attempt to meet this responsibility. He has reviewed the program and processes that are in place and estimated what it would take to maintain an accurate inventory of information technology systems based on similar size organizations he has been involved with that had a similar requirement to this statute. He stated that based on his experience, to properly complete this responsibility to maintain a comprehensive inventory of information technology systems would require approximately three full time positions as well as an operating budget of approximately \$200-250k. He stated that while there is value in having such an inventory, he doesn't believe the benefits would substantiate the cost and that is the reason for pursuing a change in statute to eliminate the responsibility from ITRMC. In response to questions **Greg Zickau** explained that the original statute had been put in place over ten years ago and at the time it was common to have a large inventory of information technology systems but today there are more efficient ways of tracking that information. He also found that leaving the telecommunications system responsibility was beneficial financially to the state and that is why it was not being amended as well in this legislation.

**MOTION:** **Rep. Higgins** moved to introduce **RS19926C1**. **Motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee the meeting was adjourned at 9:39 a.m.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, January 20, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Approval of Minutes from January 18th, 2011 committee meeting	
<b>RS20151</b>	Idaho Video Service Act	Bill Roden; Qwest
<b>RS20127</b>	Indian Tribe in Idaho to act as Peace Officers	Bill Roden; Idaho Coeur d'Alene Tribe

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher

Vice Chair Crane

Rep Anderson

Rep Stevenson

Rep Black

Rep Andrus

Rep Bilbao

Rep Luker

Rep Palmer

Rep Simpson

Rep Guthrie

Rep Henderson

Rep McGeachin

Rep Sims

Rep Takasugi

Rep Smith(30)

Rep King

Rep Higgins

Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 20, 2011  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:**  
**GUESTS:** Michael Savoir; DHR, Sarah Fuitrman; Roden Law Office, Bill Roden; Coeur d'Alene Tribe & Quest, Kent Laner; Idaho Farm Bureau

**Chairman Loertscher** called the meeting to order at 9:00 A.M.

**MOTION:** **Rep. Smith** moved to approve the minutes from **January 18th, 2011** House State Affairs Committee. **Motion carried on voice vote.**

**RS20151:** **Mr. Bill Roden** representing Quest introduced **RS20151** to the House State Affairs Committee. He explained that this legislation had been discussed in previous sessions but did not pass because of concerns from counties but he has not received any opposition this time around. He started by saying that the Idaho Video Service Act establishes a streamlined statewide process that will enable providers of video service to receive a certificate of franchise authority to provide such service from the Idaho Secretary of State. He explained that there is no state law (only federal) that provides a method of obtaining franchises for provision of video services within the state. The franchise issued by the Secretary of State will authorize applicants to provide service network, subject to local control and regulation of the use and maintenance of such rights of way by the video service provider. He explained the Act provides for equality of treatment and technological neutrality between incumbent cable services providers and new video service providers. The Act continues the right of cities and counties to receive video franchise fees from incumbent and new video service providers, and continues the authority for cities and counties to receive the benefit of dedicated video channels for public, educational and governmental use.

In response to committee questions and discussion; Mr. Roden explained that the concept of the franchise is for the public rights of way for communities and that the five percent fees being paid would go to the local government. He stated that he believes the larger cities in Idaho already have franchises and that competition can not go into every county but a general authority would enter into the state as a whole. He reassured that many states have already adopted statewide franchises. Bill Roden discussed the fee to file with the Secretary of State's office and this legislation would raise that fee to one thousand dollars. He added this amount was not a large sum for entrance into the market and that incumbents could opt into the state franchise once their provider contracts expired.

**MOTION:** **Rep. Crane** moved to introduce **RS20151**. **Motion carried on voice vote.** **Rep. Smith** and **Rep. Sims** were recorded voting no.

**RS20127:**

**Mr. Bill Roden** representing Coeur d'Alene Tribes introduced **RS20127** to the House State Affairs Committee. He started by explaining the history of this legislation and informed the committee of the Indian reservation locations and land percentages. He went into detail regarding the working relationship between Indian Tribal law enforcement and Idaho State law enforcement. He stated the purpose of this proposal is to supplement and enhance enforcement of state criminal law within Idaho Indian reservations. This proposal authorizes law enforcement officers employed by a federally recognized Indian Tribe to act as peace officers for the purpose of enforcing Idaho state criminal laws within the exterior boundaries of the Tribal reservation. Law enforcement officers must be appointed by the Indian Tribe and they must be trained and certified by the Idaho Peace Officers Standards and Training Council which requires the completion of basic training and to maintain the certification. He explained that appointed law enforcement officers must cause persons arrested or cited for misdemeanor or felonies to be immediately processed only before Idaho State magistrates in the county where the offense occurred and to comply with investigative and judicial requirements reasonably required by the county sheriff or the county prosecuting attorney. He explained the insurance for personal injury and property damage being no less than two million dollars. The proposal specifically provides that neither the state of Idaho nor any county or city shall be liable for any acts or failure to act by any law enforcement officer employed by an Indian tribe and that it shall not be construed to limit, impair or otherwise affect existing enforcement authority of state, county, or city law.

In response to committee questions Mr. Roden explained that he is not able to speak for other associations, Tribes are in support of the legislation and some Tribes that are already in agreements with counties use their personal Tribe enforcement training. He explained which Tribes will use the legislation and the ones that may have issues. He expressed that this is not only a State issue but a Federal issue as well and that Congress did approve legislation to enhance the authority to tribal officers to enforce federal laws.

**MOTION:**

**Rep. Higgins** moved to introduce **RS20127**. **Motion carried on voice vote.**

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 9:44 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**LUKER SUBCOMMITTEE**  
Administrative Rules  
Upon Adjournment of the Full Committee  
Room EW40  
Thursday, January 20, 2011

DOCKET NO.	DESCRIPTION	PRESENTER
31-0101-1001	Rules of Procedure of the Idaho Public Utilities Commission	Jim Kempton; President of IPUC
31-1101-1001	Safety and Accident Reporting Rules for the Utilities Reglated by the IPUC	Jim Kempton; President of IPUC
31-7103-1001	Railroad Safety and Accident Reporting Rules	Jim Kempton; President of IPUC

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Lynn Luker  
Vice Chair Joe Palmer  
Rep Jim Guthrie  
Rep Janice McGeachin  
Rep Cherie Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**LUKER SUBCOMMITTEE**  
Administrative Rules

**DATE:** Thursday, January 20, 2011  
**TIME:** 9:50 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Luker, Vice Chairman Palmer, Representatives Guthrie, McGeachin, Buckner-Webb  
**ABSENT/  
EXCUSED:**  
**GUESTS:** Ron Law; IPUC, Jim Kempton; IPUC, Don Howell; IPUC, Kent Laner; Idaho Farm Bureau, Ed Hawley; Administrative Rules

Subcommittee **Chairman Luker** called the meeting to order at 9:54 A. M.

**MOTION:** **Rep. Buckner-Webb** moved to approve the minutes from **House State Affairs Subcommittee** held on **January 17th, 2011. Motion was carried on voice vote.**

**DOCKET NO. 31-0101-1001:** **Commissioner Jim Kempton** of the Idaho Public Utilities Commission presented **Docket No. 31-0101-1001** to the subcommittee. He explained that all of these changes were reviewed by the commission and all were published by news release in accordance with IDAPA procedure and there was no opposition. He went through the administrative changes that had not been updated in over ten years which updated information in incompliance with statute. It defines terms such as "utility" and when an individual may represent themselves in court. The rule includes statute that if a utility request a rate decrease, the utility shall issue a customer notice to each customer. He explained that the customer notice shall include a brief explanation of the reason for the decrease, the overall dollar amount of the proposed decrease, and the proposed percentage decrease for each major customer class. The last change included clarification in how to format documents prepared by the agencies that are to be filed in court.

In response to subcommittee questions Commissioner Jim Kempton explained rule changes requiring attorney representation before the Commission by corporations, associations and entities as required by a Supreme Court opinion. He also went into detail on the change requiring utilities to send a notice to customers as well as the commission in the event of a rate decrease. There was much discussion within the committee regarding this matter and Commissioner Kempton explained that nothing specific had happened to bring this change on; just that it would call for transparency and consistency within the commission and utilities because the utilities are currently required to notify the commission and customers prior to a rate increase. Some committee members expressed concern over this being one more regulation by the commission for the utilities and may discourage utilities to make those rate decreases. Commissioner Kempton explained that utilities want to notify their customers of decreases and take the credit and also all utilities were at the table when making these changes and there were no objections to this change.

**MOTION:** **Rep. McGeachin** moved to recommend approval of **Docket No. 31-0101-1001** to the full committee with the exception of Rule 125 Section 01 b.

**Don Howell** from the Idaho Public Utilities Commission accompanied Commissioner Kempton in answering committee questions regarding the notification of rate decreases. He explained that because all rate decreases (and increases) have to be approved by the commission that it is beneficial to let the customer know before requesting the rate change from the commission so the customer is actively involved with the approval or disapproval of the rate change being made by the commission.

**MOTION:** **Rep. McGeachin** withdrew her motion.

**MOTION:** **Rep. Guthrie** moved to recommend approval of **Docket No. 31-0101-1001** to the full committee. **Motion carried on voice vote.**

**DOCKET NO. 31-1101-1001:** **Commissioner Jim Kempton** presented **Docket No. 31-1101-1001** to the subcommittee. He explained that this rule clarifies issues regarding pipeline and control room management safety and would update to the new code version.

**MOTION:** **Rep. Buckner-Webb** moved to recommend approval of **Docket No. 31-1101-1001** to the full committee. **Motion carried on voice vote.**

**DOCKET NO. 31-7103-1001:** **Commissioner Jim Kempton** presented **Docket No. 31-7103-1001** to the subcommittee. He explained that this rule adopts by reference of the current version of federal safety regulations pertaining to transportation of hazardous materials for railroads which are issued by the federal Pipeline and Hazardous Material Safety Administration.

**MOTION:** **Rep. Guthrie** moved to recommend approval of **Docket No. 31-7103-1001** to the full committee. **Motion carried on voice vote.**

**ADJOURN:** There being no further business before the subcommittee; the meeting was adjourned at 10:34 A.M.

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Representative Lynn Luker  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:30 A.M.  
Room EW40  
Monday, January 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
RS20192	Relating to State Sovereignty	Representative Boyle Representative Barbieri
RS20171	Idaho Capitol Commission	Representative Hartgen

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
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Phone: (208) 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 24, 2011  
**TIME:** 9:30 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** Chairman Loertscher, Representative(s) Anderson  
**GUESTS:** Jack Lyman; Idaho Mining Association, Landis Rossi; Catholic Charities, Kathie Garrett; Academy of Family Physicians, Jesse Taylor; Paris Hills Agricom, Sean Ellis; Idaho State Journal, Representative Hartgen, FFA Bonners Ferry, Jan Frew; Division of Public Works

**Vice Chairman Crane** called the meeting to order at 9:30 A.M.

**RS20171:** **Representative Hartgen** introduced **RS20171** to the House State Affairs Committee. He started by giving a brief history of the Capitol Commission and his involvement in the old as well as the current commission which oversaw the Capitol renovations and additions. The last commission meeting was in September 2010 where members heard the final budget report for the total capitol revamp. He explained that with all renovations, new additions, and furnishing for the capitol, the expenses were still lower than anticipated. He went into detail of the specific funds projected and actual funds spent. He summed up his presentation by expounding on the benefits of the new capitol renovations as well as the new technologies provided.

**Rep. Black** acknowledged **Jan Frew** from Division of Public Work who was appointed to be the Executive Project Manager over the capitol renovations and construction.

**MOTION:** **Rep. Simpson** moved to introduce **RS20171**. **Motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:41 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:30 A.M.**  
**Room EW40**  
**Tuesday, January 25, 2011**

SUBJECT	DESCRIPTION	PRESENTER
	<b>Report from Simpson Subcommittee on Rules</b>	Rep. Simpson
	<u>Rules from the Secretary of State:</u> (approved by subcommittee)	
<b>34-0101-1001</b>	Fees for Automated Data Retrieval	
<b>34-0102-1001</b>	Rules Governing Facsimile Services and Fees	
<b>34-0103-1001</b>	Rules Governing the Public Access Information System	
<b>34-0104-1001</b>	Rules Governing the Electronic Bulletin Board Service	
<b>34-0501-1001</b>	Rules Governing Farm Products Central Filing System	
<b>34-0502-1001</b>	Rules Governing Liens in Crops, for Seed, and Farm Labor	
<b>34-0504-1001</b>	Rules Governing Public Access to UCC Files	
	<b>Report from Luker Subcommittee on Rules</b>	Rep. Luker
	<u>Rules from Idaho Public Utilities Commission:</u> (approved by subcommittee)	
<b>31-0101-1001</b>	Rules of Procedure of the Idaho Public Utilities Commission	
<b>31-1101-1001</b>	Safety and Accident Reporting Rules for Utilities Regulated by the IPUC	
<b>31-7103-1001</b>	Railroad Safety and Accident Reporting Rules	
	<u>Rules from the Department of Administration:</u> (approved by subcommittee)	
<b>38-0501-1001</b>	Rules of the Division of Purchasing	
	<u>Rules of the Office of the Administrative Rules Coordinator:</u> (approved by subcommittee)	
<b>44-0101-1001</b>	Rules of the Administrative Rules Coordinator	
	<u>Rules of the State Athletic Commission:</u> (approved by subcommittee)	

- 03-0101-1001** Rules of the State Athletic Commission  
Rules of the Endowment Fund Investment Board:  
 (approved by subcommittee)
- 32-0101-1001** Rules Governing the Credit Enhancement  
 Program for School Districts

**RS20180** Planning and Zoning Commissions  
 Teresa Barker; Ada  
 County Prosecuting  
 Attorney's Office

**RS20181** Local Land Use Planning Act  
 Teresa Barker; Ada  
 County Prosecuting  
 Attorney's Office

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 25, 2011  
**TIME:** 9:30 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** Representative(s) McGeachin  
**GUESTS:** Teresa Baker; Ada County Prosecuting Attorney's Office, Ed Hawly; Administrative Rules, Benjamin Davenport; Risch Pisca, John Eaton; Realtors, Matthew Maleh; Risch Pisca PLLC

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**Chairman Loertscher** turned the time over to **Subcommittee Chairman Rep. Luker** to approve minutes recorded from the last subcommittee meeting held January 20th, 2011.

**MOTION:** **Rep. Buckner-Webb** moved to approve subcommittee minutes of January 20th, 2011. Motion carried on voice vote by subcommittee members.

**Chairman Loertscher** then turned the time over to **Subcommittee Chairman Rep. Simpson** to approve the minutes recorded from the last subcommittee meeting held January 17th, 2011.

**MOTION:** **Rep. King** moved to approve subcommittee minutes of January 17th, 2011. Motion carried on voice vote by subcommittee members.

**Chairman Loertscher** presented minutes from the House State Affairs full committee held January 20th and 24th, 2011.

**MOTION:** **Rep. Higgins** moved to approve the minutes of January 20th and 24th; motion carried on voice vote.

**SUBCOMMITTEES ON RULES** **Vice Chairman Crane** reported on the review of administrative rules by subcommittees. **Simpson Subcommittee** recommends approval of Secretary of State Docket Numbers 34-0101-1001, 34-0102-1001, 34-0103-1001, 34-0104-1001, 34-0501-1001, 34-0502-1001, 34-0504-1001 and **Luker subcommittee** recommends approval of Idaho Public Utilities Commission Docket Numbers 31-0101-1001, 31-1101-1001, 31-7103-1001, Department of Administration Docket Number 38-0501-1001, Office of the Administrative Rules Coordinator Docket Number 44-0101-1001, and State Athletic Commission Docket Number 03-0101-1001 with the exception of the Endowment Fund Investment Board Docket No. 32-0101-1001 which was referred to the House Education Committee upon request of the Education Committee Chairman.

**MOTION:** **Vice Chairman Crane** moved to approve all dockets mentioned above; motion carried on voice vote.

**RS20180:** **Teresa Baker;** Deputy Prosecuting Attorney from the Ada County Prosecuting Attorney's Office presented **RS20180** to the House State Affairs Committee. The purpose of this legislation is to eliminate the requirement that one half of the members of planning, zoning, or planning and zoning commissions reside outside of areas of city impact within a county. She explained as areas of city impact are expanded in urbanizing counties, there is less of a population base that can appoint county residents to serve on such planning, zoning, or planning and zoning commissions to fulfill this requirement.

In response to committee questions Mrs. Baker explained that in urban counties, commissioners have difficulty complying with this specific regulation and she also mentioned the section regarding one third of commission members residing within an incorporated city of a higher population base has never been an issue and was not brought up while meeting with the Idaho Association of Counties. She explained that this proposal would eliminate the process of having to set population thresholds for each individual county.

**MOTION:** **Rep. Stevenson** moved to introduce **RS20180**.

**SUBSTITUTE MOTION:** **Rep. Simpson** moved to return **RS20180** to sponsor.

**Rep. Simpson** spoke on behalf of his substitute motion stating that this legislation offers no rural representation and if there was a population base included in this proposal he would then consider to support it.

**The substitute motion carried on voice vote.**

**RS20181:** **Teresa Baker;** Deputy Prosecuting Attorney from the Ada County Prosecuting Attorney's Office presented **RS20181** to the House State Affairs Committee. She started by briefly explaining the history of the court case which essentially led to amendments within the Local Land Use Planning Act in 2010. Before those amendments; the statute allowed county commissioners to determine by ordinance the applications that would be heard by the Planning and Zoning Commission and Hearing Examiners. The current statute requires all land use applications, including administrative applications, must be heard by the Planning and Zoning Commission. She stated that the purpose of this legislation is to amend the LLUPA so that it conforms to the practice that many counties had prior to these changes.

In response to committee questions Mrs. Baker emphasized that this proposal would change things back to the way they were prior to the amendments in 2010 without underlying the reason that LLUPA was amended in the first place. She also stated the Idaho Association of Counties is in favor of this change because it eliminates a step in their application process. She said by eliminating the Planning and Zoning Commission step within the application process it would not eliminate powers from the Commission and would promote volunteers to come work within the commission because of a lessened work load.

**MOTION:** **Rep. Higgins** stated that having previously been on a Planning and Zoning Commission she feels that if this proposal better expedites the application process then it is worth sending to print. With that; she moved to introduce **RS20181**. **Motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 10:06 A.M.



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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #2 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:30 A.M.**  
**Room EW40**  
**Wednesday, January 26, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>RS20053</b>	Provide Regulations for Vacancies in Elective Civil Offices	Rep. Trail
<b>RS20187C1</b>	Election Consolidation	Tim Hurst, Idaho Secretary of State
<b>RS20192C2</b>	Nullification: Public Law 111-148, Public Law 111-152	Rep. Boyle Rep. Barbieri

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 26, 2011

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Fairy Hitchcock, Hitchcock Family Advocates; Bob Uebelher, Connolly & Smyser; Tim Hurst, Secretary of State; Wayne Hoffman, Idaho Freedom Foundation; Jesse Taylor, Paris Hills Agricom; Nicole Swafferd, IFBF; Dale Pearce; Kathie Garrett, Academy of Family Physicians; Jessica Hainsch, ISBA; Mathew Maleh, Risch Pisca PLLC; Representative Boyle; Senator Nuxoll; Representative Barbieri

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes from January 25th, 2011; **motion carried on voice vote.**

**RS 20053:** **Representative Trail** presented **RS20053** to the committee. He stated the purpose of this legislation is to allow the decision of a competent tribunal to declare an elective office vacant due to apparent abandonment of prolonged absence. It would eliminate issues that arise when a city councilman, county commissioner, or other elected officials, are absent from his duties for an extended period of time. He gave a brief history of how this legislation came about explaining that in the occasion of a council position suddenly becoming vacant there are no current provisions in place to address these issues. He explained that these situations are extremely rare but the inability to fill the vacant seat seems nonsensical. This legislation would broaden the definition of vacancy to include apparent abandonment or prolonged incapacity or absence.

In response to committee questions Rep. Trail explained that because of the rare circumstances of this legislation he decided not to include a time frame before another person is appointed but it would be on the tribunal to make that call. He clarified the term tribunal in this legislation as being broad so it may be manipulated depending on the specific case.

**MOTION:** **Rep. Smith** moved to introduce **RS 20053**; **motion carried on voice vote.** **Rep. Crane** requested he be recorded voting against the motion.

**RS 20187C1:** **Tim Hurst**; Chief Deputy from the Secretary of State's Office presented **RS20187C1**. He explained that this legislation derived from **RS 20105C2 (House Bill 14)** which was printed in this committee on January 18th, 2011. He stated that this legislation allows more flexibility with moneys given to counties by the Secretary of States Office. Currently 1.5 million dollars is allotted to the Secretary of State's Office for counties to fund Consolidated Elections. These funds are distributed when counties spend the money and request a reimbursement. He also clarified that these are start up funds for counties and are not continuous but that counties are to use these moneys to provide training and training materials to help the elections form and run properly.

In response to committee questions Mr. Hurst explained what would and would not qualify counties for a reimbursement from these funds. He also went through the changes from **RS 20105C1** (heard on January 18th, 2011 in House State Affairs) to this current proposal. He stated that maps and map materials were clarified, how special elections within counties would be funded, and better clarified term of office dates.

**MOTION:** **Rep. Bilbao** moved to introduce **RS 20187C1**; **motion carried on voice vote.**

**Chairman Loertscher** pointed out that the books handed out to the committee members prior to the meeting titled "Nullification" written by Thomas E. Woods was paid for and distributed by the Idaho Freedom Foundation.

**RS 20192C2:** **Representative Barbieri** presented **RS 20192C2** to the committee. He started by saying the Federal Health Care Laws recently passed by the United State Congress has invaded the traditionally sovereign powers of the States. This legislation declares this intrusion by the federal government beyond any reasonable application of the General Welfare Clause and the Commerce Clause of the Constitution of the United States, and is therefore null and void. He explained this legislation further definitively sets out certain prohibitions to assure that the federal government may not circumvent the legislature's intent in exercising Idaho's sovereign right to interpose between its citizens and the increasingly onerous and intrusive federal bureaucracy. He stated the prohibitions being; no state agency may act to implement these federal laws, no state agency may execute agreements with the federal government in furtherance of these laws, no state employee or agency may assist in the execution of these laws, no state agency may take or spend money in furtherance of these laws, and that no one person can be compelled to comply with these federal laws. He stated that this legislation not only protects its citizens from onerous federal power but also prohibits execution against the property rights of our citizens for failure to comply with these federal laws. He also stated this legislation allows the Attorney General to provide legal protection to aggrieved residents from the Constitutional Defense Council Fund and also allows civil action by an aggrieved person from anyone violating the legislation's provision's.

In response to committee questions; Rep. Barbieri stated that he is aware of the Idaho Attorney General's stance on the nullification issue as well as stating that he is aware that no court in the history of the United States has ever upheld a state effort to nullify a federal law. He stated that it is difficult because the federal courts are a branch of the federal government so it would be the federal government ruling against itself. Rep. Barbieri stated that the legislature will become a rubber stamp of everything that the federal government decides to do and that this legislation is going to interpose between that the federal government deciding to implement onerous laws upon its citizens. He stated that the funds needed to hire attorneys to defend legislation, how much money will be saved or spent, and how many jobs will be saved or terminated in the state with this legislation is inestimable.

**MOTION:** **Rep. Crane** moved to introduce **RS 20192C2.**

**Rep. McGeachin** submitted testimony to be recorded in the minutes stating: The Federal Health Law is a huge expansion of Medicaid to the population of able bodied working adults, where we will be forbidden to ask them to help pay for their health care cost. Under current Medicaid law; the states have little flexibility to manage their Medicaid programs and all health care providers are being strangled with excessive regulations. It also impairs costly infrastructure in a establishing health care exchanges. The federal government will dictate how these exchanges will operate. The states are choking from federal mandates and regulations and we are in a fight for survival. With this federal health care law, we might as well kiss farewell the ability to increase education funding, both K-12 and higher education. We are robbing our youth of prosperity and of a future. Nullification supports our Constitution because the original intent of the Founding Fathers established a proper balance of power between the national government and the sovereignty of the states.

**ROLL CALL  
VOTE:**

A roll call vote was requested. By a vote of **15 Aye** and **4 Nay**; **the motion carried**. Voting in the affirmative: **Vice Chairman Crane, Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Chairman Loertscher**. Voting in the negative: **Representatives Smith, King, Higgins, Buckner-Webb**.

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 10:08 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:30 A.M.  
Room EW40  
Thursday, January 27, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 34</a>	Idaho Capitol Commission	Rep. Hartgen
<a href="#">H 15</a>	Lava Hot Springs Foundation	Rep. Andrus

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 27, 2011  
**TIME:** 9:30 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb  
**ABSENT/EXCUSED:** Representative(s) Black  
**GUESTS:** Pat Kershisnik, Catholic Charities of Idaho; Wayne Hammon, Office of the Governor; Keith Reynolds, DRM; Emily Anderson, Office of the Governor

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**H 34:** **Representative Hartgen** presented **H 34**. He started by giving a brief history of the Idaho Capitol Commission; it being originated in 1998. He explained the functions of the Commission over the years including the oversight of the most recent Idaho Capitol reconstruction, remodeling, and new additions. He stated that this bill would allow the Commission to meet twice a year as opposed to what is stipulated now. He explained that since the remodeling of the Capitol the Commission does not need to meet as frequent as they were before. This legislation would eliminate the position of Capitol Architect within the Capitol Commission because the Commission is able to handle those functions adequately. Any policy change or proposal would still go through the Capitol Commission.

In regards to Committee questions; Rep. Hartgen explained the funds that currently support the Capitol Commission being in the amount of three hundred thousand would be reduced to one hundred and fifty thousand. He explained the term "support" to the Idaho State Historical Society being financial support. He explained the Commission being made up of seven members being appointed by the Idaho Governor. They are not required to be geographically diverse but he said it tends to work out that way regardless.

**Jeff Youtz**, Director of Legislative Services assisted **Rep. Hartgen** in answering committee questions stating that the funds for the Idaho Capital Commission are transferred from the Endowment Fund as well as other small sources of funds such as the licences plate money. He stated that the funds will be reduced to one hundred and fifty thousand dollars and may need to be increased in the future as maintenance on the Capitol is required. He also explained that technological problems are to be reported to the Legislative Services Office.

**MOTION:** **Rep. Smith** moved to send **H 34** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Hartgen** will sponsor the bill on the floor.

**H 15:** **Rep. Andrus** presented **H 15** to the committee. He explained that currently it is required for the Lava Hot Springs Foundation to seek approval from the Idaho Board of Examiners prior to the leasing of any land to a third party. The Idaho Board of Examiners consist of the Governor, Secretary of State, Attorney General, and the State Controller serving as Secretary. He explained that the Foundation leases to camp grounds, restaurants, and other amenities. These leases differ on terms depending on which amenity it is dealing with and the Foundation are able to lease up to ninety nine years.

In response to committee questions; Rep. Andrus explained that this legislation came about because the lease agreements have to be approved by the Board of Land Commissioners and the Board of Examiners which is redundant and a waste of travel time for the parties involved. He emphasized the different features of the Lava Hot Springs such as, rolling around in the snow and then jumping in the hot mineral water, and how these unique amenities generate money for the State and the town of Lava Hot Springs. He also mentioned that lease rates were competitive with those around the area.

**Wayne Hammon** Division of Financial Management, testified in favor of **H 15** explaining that he was appointed by the Governor for the Board of Examiners and that this legislation has been reviewed by all three members of the Board and that all are in support.

**MOTION:** **Rep. Smith** moved to send **H 15** to the floor with a **DO PASS** recommendation; **motion carried on voice vote. Rep. Andrus** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 10:01 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary



AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:30 A.M.  
Room EW40  
Monday, January 31, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20186</u></a>	Nuisance Ordinances	Teresa Baker; Ada County Prosecuting Attorney's Office
<a href="#"><u>H 60</u></a>	Election Consolidation	Tim Hurst; Idaho Secretary of State

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 31, 2011  
**TIME:** 9:30 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** Representative(s) Black  
**GUESTS:** Tim Hurst; Secretary of State's Office, Bob Uebelher; Connolly and Smyser, Bert Marley; IEA, Sara Schmidt; SWC, Dave Goins; Idaho News Service, Teresa Baker; Ada County Prosecuting Attorney

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**RS20186:** **Teresa Baker;** Deputy Prosecuting Attorney from the Ada County Prosecuting Attorney's Office introduced **RS20186** to the House State Affairs Committee. This legislation will allow counties to adopt nuisance ordinances that allow for the abatement of those nuisances if the property owners refuse to take action. She explained the current process of reporting and dealing with nuisances which requires bringing a suit to force a landowner to comply with county ordinances; this is expensive and often takes years. She explained the situation of property sitting vacant for a long period of time and when a nuisance is established on the property there is no way to contact the land owner. She explained that this is a fire hazard and that the counties need the authority to take care of these issues.

In response to committee questions Mrs. Baker explained that since 2006, nuisance complaints have tripled and the average time to resolve complaints is anywhere from seven to eight months. She explained that cities already have this authority and that counties would enforce this law in the same fashion as the cities do now. She stated that fines do not get rid of problems and that counties need to be able to go in and take care of the problem and then assess the land owner for reimbursement. She clarified that the counties would not deal with cases regarding "junk yards"; those would be handled by Zoning Enforcement. If the county had to abate weeds but were not able to collect money from the property owner there would be a lien on their property. Before counties would go onto land owners property they would give notice to the property owner and she explained the different forms of notices they would receive. The counties would have the authority to set nuisance regulations so this legislation would leave the nuisance definition within this legislation broad for that purpose. She explained that due processes is not guaranteed in this legislation but by any ordinance the county enacts.

**MOTION:** **Rep. King** moved to introduce **RS20186**.

**Teresa Baker** explained to the committee that this is a fire hazard and the Counties have tried to work with the fire districts regarding these hazards but have had little success.

**SUBSTITUTE  
MOTION:**

**Rep. Palmer** moved to return **RS20186** to sponsor. **Rep. Andurs** spoke in favor of the substitute motion stating that this legislation empowers counties and gives minimal notice to land owners. **Rep. Anderson** and **Rep. Higgins** spoke against the substitute motion explaining the cities already have this authority and if the committee has issues regarding the vagueness of the "nuisance" definition than the cities authority needs to be looked at as well.

**The substitute motion carried on voice vote.**

**H 60:**

**Tim Hurst**; Chief Deputy from the Secretary of State's Office presented **H 60** to the House State Affairs Committee. He started by explaining this legislation and how all districts affected have no problems regarding the changes. He explained that currently 1.5 million dollars are allotted to the Secretary of State's Office for counties to fund Consolidated Elections. This legislation will allow for more flexibility of those funds including training materials and maps for county elections. He explained the changes within the sections of the bill which included clarifying election procedures, elections dates, payment of new elections, candidate withdrawals, and write in candidates. This legislation clarifies dates regarding absentee ballots for primary and general elections, it also clarifies where a candidate files to run for office and the time frame for that process. The legislation states that if an election only has one candidate file to run the county is to cancel the election to save the county money on ballot printing and the cost of holding an election. This legislation explains the changes of term limits and how those changes would affect those in office now.

In response to committee questions, Mr. Hurst stated that this legislation explains how the 1.5 million dollars can better be spent within the counties to aid elections. Currently seventy six thousand dollars has been spent of those funds so this legislation would make it easier for counties to tap into those funds. Moneys left over from this fund will be directed back into the General Fund in 2016. He also went into detail regarding software used by counties and districts to generate maps and make elections easier.

**MOTION:**

**Rep. McGeachin** moved to send **H 60** to the floor with a **DO PASS** recommendation; **motion carried on voice vote. Rep. McGeachin will sponsor the bill on the floor.**

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 10:25 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:30 A.M.  
Room EW40  
Wednesday, February 02, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS19925</u></a>	Board of Equalization regarding Fire Protection Districts	Rep. Bolz
<a href="#"><u>RS20163</u></a>	Disposal of Surplus Personal Property	Rep. Bolz
<a href="#"><u>RS20164</u></a>	Audit Requirements for Catastrophic Health Care Cost Program	Rep. Bolz
<a href="#"><u>RS20162</u></a>	Independent Financial Audits of Local Governmental Entities	Rep. Bolz

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
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Phone: (208) 332-1145  
email: [cluna@house.idaho.gov](mailto:cluna@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 02, 2011

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Dustin Hurst; Idaho Reporter, Mike Brassey; St. Lukes HS; Representative Bolz, Anthony Poinelli; Idaho Public Health District and Association of Counties

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes from **January 26, 2011; motion carried on voice vote.**

**MOTION:** **Rep. Batt** moved to approve the minutes from **January 27, 2011 . Motion carried on voice vote.**

**MOTION:** **Rep. Batt** moved to approve the House State Affairs Committee minutes from **January 31, 2011; motion carried on voice vote.**

**RS 19925:** **Rep. Bolz** presented **RS19925**. The purpose of the legislation is to remove the requirement of the fire district to have to transmit resolutions regarding levies in the county be forwarded to the State Board of Equalization. He stated that this is a county matter and the State Board of Equalization has no part in this process. He also mentioned that those involved with this process are in support of this legislation.

In response to committee questions; **Tony Poinelli** with the Idaho Public Health Districts and Association of Counties stated that the counties currently do not send levy resolutions to the Idaho Tax Commission but do forward levy information to the Idaho Tax Commission.

**MOTION:** **Rep. Simpson** moved to introduce **RS 19925; motion carried on voice vote.**

**RS 20163:** **Rep. Bolz** presented **RS 20163** The purpose of the legislation would allow conveyance of surplus personal property to not only state and local agencies but to federal agencies as well. He explained why this legislation was needed and circumstances in the past that lead to this change.

In response to committee questions; Rep. Bolz stated that the word "alloy" on the Statement of Purpose was, in fact, supposed to read "allow".

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20163; motion carried on voice vote.**

**RS 20164:** **Rep. Bolz** presented **RS 20164** The purpose of the legislation requires an annual audit by a certified public accountant for the Catastrophic Health Care Cost Program. He stated that this legislation will help clarify the language within the Catastrophic Health Care Cost Program and where those audits are to be reported.

In response to committee questions; **Don Berg**; Legislative Auditor from the Idaho Legislative Services Office stated that the cost of the audits being required from the Catastrophic Health Care Cost Program are financially covered by the Catastrophic Health Care Cost Program. The program will hire an outside certified public accountant for the audit and the audit takes about three days with a totaling cost of about six thousand dollars. **Toni Poinelli** stated that the funding for the Catastrophic Health Care Cost Program comes from General Fund.

**MOTION:** **Rep. Luker** moved to introduce **RS 20164**; motion carried on voice vote.

**RS 20162:** **Rep. Bolz** presented **RS 20162**. The purpose of this legislation is to clarify language regarding when an annual or biannual audit is required. He stated that currently the language is unclear and certified public accountants are not sure when they are to perform an audit. A local government entity whose annual expenditures exceed one hundred thousand dollars but do not exceed two hundred fifty thousand dollars may elect to have its financial statements audited annually or biannually. Government entities exceeding two hundred and fifty thousand dollars must be audited annually.

**MOTION:** **Rep. Higgins** moved to introduce **RS 20162**; motion carried on voice vote.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:47 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:30 A.M.  
Room EW40  
Thursday, February 03, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20233</u></a>	Idaho Educational Services for the Deaf and Blind	Rep. Jaquet
<a href="#"><u>RS20080</u></a>	Governor's Mansion	Rep. Burgoyne
<a href="#"><u>RS20206C1</u></a>	District Representation for Community Colleges	Rep. Henderson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 03, 2011

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Vice Chairman Crane, Representative(s) Simth (30)

**GUESTS:** Brian Darcy, Idaho Educational Services for the Deaf and Blind; Benjamin Davenport, Risch Pisca; Dennis Stevenson, Rules Coordinator; Don Drum, PERSI; Jack Lyman, Idaho Mining Association; Lila Garvill, Idaho Educational Services for the Deaf and Blind; Teresa Molitor, Centra Consulting; Bob Uebelher, Connelly and Smyser

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**MOTION:** **Rep. Higgins** moved to the approve the minutes of February 2, 2011; **motion carried on voice vote.**

**Rep. Hartgen** presented to the committee information regarding the analysis of state agency rule making for 2009-2011. He stated that the data for this analysis were derived from the Legislative Rule Review Books submitted by agencies to the Legislature. He explained legislation that was presented last session (**HCR 51**) that set eight priorities for agencies to follow when submitting rules before the Legislature. He mentioned the rules reviewed in legislative committees from 2009 to 2011 and the number of rules that met the eight priorities of **HCR 51**.

**RS 20233:** **Rep. Jaquet** presented **RS20233**. She explained her reason being before the Committee was regarding issues from the Idaho Educational Services for the Deaf and Blind Organization. The legislation corrects an oversight from legislation passed during the 2009 session that would change the Idaho Educational Services for the Deaf and Blind's current status as a governmental entity back to the status of a state PERSI employer. She stated that this legislation would save the ISDB approximately \$15,000 in direct costs in addition to staff time and legal fees to negotiate a contract with PERSI.

**MOTION:** **Rep. King** moved to introduce **RS20233**; **motion carried on voice vote.**

**RS 20080:** **Rep. Burgoyne** presented **RS20080** to the committee. The legislation provides the authority to the Idaho Department of Administration to sell the Governor's mansion in order to generate funds for the State budget. The Governor's mansion was donated to the State by the J.R. Simplot Company in 2005. This legislation provides that the Department has the authority to sell the mansion for Fair Market Value at a price exceeding \$2,110,000 by July 1, 2012. When the J.R. Simplot Company first donated the mansion to the State the contract included the proviso that the company would have the right of first refusal to repurchase the mansion for such amount as might be offered by a third party. He explained the expenses associated with the mansion, citing the balance of the Governor's Residence Fund of approximately \$981,000 as of mid-January, 2011, and the approximate maintenance cost of \$120,000/year. The legislation would eliminate the Governor's Housing Committee, and remaining money in the fund would be directed to the Department of Parks and Recreation.



In response to committee questions, Rep. Burgoyne stated currently there is no cost to the State because of the funds in the Governor's Residence Fund. However, after those funds are depleted, the State will then have to find funds to maintain this property. He further stated that this legislation does not mandate a loss for the State by selling the property. Some committee members felt that the deadline date for the sale may cause bids to be lower, not higher. Also, concerns were expressed regarding the legislation's method of disposal if the property does not sell by July 1, 2012. Rep. Burgoyne answered those concerns by stating that waiting for a better market to sell the property at maximum price might be more beneficial; the state is in a budget crisis, and the money could be better spent in local communities. he pointed out that the legislation deals with the selling of the Governor's mansion and not with how the funds given to the Department of Parks and Recreation will be spent. When questioned where a future Governor, who is not from the Treasure Valley, would live, he felt the State would deal with that when the time came. He stated that nothing in this legislation precludes or requires the Department of Administration to contact the J.R. Simplot Company prior to the sale.

**Rep. King**, a member of the Governor's Housing Committee, stated that, in addition to the Governor's Residence Fund, another fund is comprised of private money that is used to remodel the mansion with a current balance of approximately \$300,000. She further stated that the Governor does not receive residency funds because he has other housing. The Governor's mansion is rented for social functions, which generates some income. Rep. King expressed support the legislation, but she would like the J.R. Simplot Company to receive notification of the sale.

Members of the committee expressed concern regarding the deadline of the sale and would like to see a marketing strategy for advertising the property nationwide.

**MOTION:**

**Rep. Simpson** moved to return **RS20080** to sponsor. He stated that his district had voiced concerns regarding the Governors mansion and thanked Rep. Burgoyne for the discussion, but he feels there is a better way to handle this issue. **The motion carried on voice vote.**

**RS20206C1:**

**Rep. Henderson** presented **RS20206C1**. He stated that this legislation will ensure district-wide representation on the five-member board of Trustees that govern each community college and determine its annual levy of property taxes. He explained the history behind the need for this legislation and how it will assist in the representation of rural communities. If this legislation is enacted, it will require the creation of five sub-districts within the taxable area in which each trustee must have his/her principal place of residence. He explained that each college's Board of Trustees will determine their sub-district based on population. This legislation will provide governance identical to that of the Idaho counties, ie. commissioners must live within a sub-district of the county but are elected and serve the entire jurisdiction.

In response to committee questions, Rep. Henderson explained the redistricting process wherein the county clerk uses information from the Federal census in order to re-draw districts for the county commissioners. The legislation states that each sub-district shall be revised by its Board of Trustees at lease once every ten years.

**MOTION:**

**Rep. Stevenson** moved to introduce **RS20206C1**; **motion carried on voice vote.**

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 10:17 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Monday, February 07, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20315</u></a>	Nullification of the Federal Health Care Plan	Rep. Barbiari Rep. Boyle
<a href="#"><u>RS20184</u></a>	Auditorium District's	Michael Kane, Pocatello-Chubbuck Auditorium District

**MILITARY DIVISION PRESENTATIONS**

Idaho Statewide Interoperability Executive Council (SIEC)	Mark Lockwood, Chairperson
Idaho E911 Emergency Communications Commission (IECC)	Garret Nancolas, Chair

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 07, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Mike Kane, Pocatello Chubbuck Auditorium District; Matt Howakth, Motorola; Whitney Rearick; Lincoln Smyser, Connolly and Smyser; Benjamin Davenport, Risch Pisca; Kathie Garrett, Academy of Family Physicians; Dodie Colle, Statewide Interoperability Executive Council ; Chief Lockwood, SIEC; Ray Stark, Boise Metro Chamber; Clark Corrin, Post Register; Tony Smith, Benton Ellis; Pat Brownfield, Twin Falls; Suzanne Budge, SBS Assc. LLC; Bob Uebelher, Connolly and Smyser; Lynn Tominaga; Pam Sowd; Jim Grey

**RS20315:** **Rep. Barbieri** presented **RS20315** explaining the difference between this legislation and **H 59**, that this new legislation deals specifically with halting the implementation of the Federal Health Care Law agencies. He explained that this legislation definitively sets out certain prohibitions to assure that the federal government may not circumvent the legislature's intent in exercising Idaho's sovereign right to interpose between its citizens and the federal bureaucracy. He stated the prohibitions; no state agency may act to implement these federal laws, no state agency may execute agreements with the federal government in furtherance of these laws, no state employee or agency may assist in the execution of these laws, no state agency may take or spend money in furtherance of these laws, and that no one person can be compelled to comply with these federal laws. He stated that this legislation not only protects its citizens from federal power but also prohibits execution against the property rights of our citizens for failure to comply with these federal laws. He also stated this legislation allows the Attorney General to provide legal protection to aggrieved residents from the Constitutional Defense Council Fund.

In response to committee questions, **Rep. Barbieri** stated that the Idaho Attorney General has not commented on the constitutional status of this legislation because it would not be appropriate when the Florida Courts have already deemed the Federal Health Care Law unconstitutional. He stated that the fiscal note does not reflect potential cost of legislation. The Constitutional Defense Fund would be used to defend this legislation, if needed; this is not specified in the legislation but would automatically be used. He stated that of the \$2 million awarded to the state as start-up funds regarding the Federal Health Care Law, only \$75,000 has been spent. All \$2 million would be returned to the federal government upon implementation of this legislation.

**MOTION:** **Rep. Bilbao** moved to introduce **RS20315**; **motion carried on voice vote**. **Representatives Smith, Buckner-Webb, Higgins, King, and Anderson** asked to be recorded voting as **NO**.

**RS20184:**

**Michael Kane** representing the Pocatello-Chubbuck Auditorium District stated that the purpose of **RS20184** is to clarify the extent and limits of an auditorium district's ability to market in order to attract potential tourists and convention attendees. It also clarifies that the auditorium districts may enter into leasing arrangements in order to fulfill the mission of the district. He explained that currently the language regarding leasing arrangements for auditorium districts needs to be better defined. The legislation clarifies that any district may market a district facility acquired, leased, or built. He stated that people were reading the current legislation differently thinking you could only market to one and not the other. The bill is designed to streamline the relationship between the districts and nonprofit entities that receive grants from the Travel Council to encourage tourism and convention business within the area of an auditorium district. Mr. Kane emphasized the need for marketing to bring business to communities to help stimulate local economies.

**MOTION:**

**Rep. Guthrie** moved to introduce **RS20184**; **motion carried on voice vote.**

**Mark Lockwood**, Chairman of the Idaho Statewide Interoperability Executive Council, presented information about the Council. He explained that the Council was formed as the interoperable communications governing body charged with preparing Idaho's emergency response community for changes to the Land Mobile Radio communications being dictated by the Federal Communications Commission. He explained how interoperable communications are implemented in Idaho which give counties the ability to talk across disciplines and jurisdictions via radio communication systems, exchanging voice data with one another. The Council is focused to continue the implementation of District Interoperability Governance Boards whose purpose is to address the challenges facing its local interdisciplinary partners concerning communications. He talked about Idaho Counties Districts and how the Council is planning on addressing those challenges. He summarized the SIEC Statewide Strategic Plan, SIEC Business Plan, and the Statewide Emergency Communications Plan. He mentioned the application and receipt of federal funding for interoperable communications and how those moneys fund the creation and maintenance of the radio system. He went into detail regarding the system facts for last year which included twenty one million "Push-to-Talk" actions by emergency response personnel on the system, thirty seven thousand hours of voice-air-time, ten thousand hours of over-the-air programming (which was traditionally accomplished by hand at a cost of approximately twenty dollars a radio), and that an average of eighteen percent of the systems capacity has been used in total.

In response to committee questions; Chairman Lockwood reiterated how the radio system works between counties and that the system is operating at 18 percent capacity has been and would be enough to handle a crisis. He explained the concept of talk groups and how those are implemented within and between counties.

**Garret Nancolas**, Mayor of Caldwell and Chair of the Idaho Emergency Communications Commission, presented the E911 annual report to the committee. He started by explaining the new technologies being implemented by the Commission such as being able to text 911 and also triangulating location when calls are placed by a cell phone. The funding for these new technologies comes from counties adopting grant fees. He walked the committee through the state's status on 911 services county by county from 2008 until present explaining that currently almost all counties are in the Phase Two of service types and that all are working on moving towards the Next Generation service type. He introduced **Bill Gardiner**, Director and **Teresa Baker**, Deputy Prosecuting Attorney, who accompanied him to answer committee questions.

In response to committee questions; **Mayor Nancolas** stated that currently there is no way to determine if a 911 call was accidental. If a center receives a call and there is no response on the other line; that call is considered high priority and someone is sent out to the location where the call was made. He also explained that some counties did not participate in adopting the fee because they had the money elsewhere to fund changes.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:27 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:00 A.M.  
Room EW40  
Tuesday, February 08, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20297</u></a>	Procedure Clarification to be Followed for an Ethics Complaint	Speaker Denney
<a href="#"><u>H 87</u></a>	Disposal of Surplus Personal Property	Rep. Bolz
<a href="#"><u>H 89</u></a>	Fire Protection Districts	Rep. Bolz
<a href="#"><u>H 90</u></a>	Governmental Entity Financial Audits	Rep. Bolz

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Camille Luna  
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Phone: (208) 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 08, 2011  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** Chairman Loertscher, Representative(s) Smith(30)  
**GUESTS:** Emily Anderson; Governor's Office

**Vice Chairman Crane** called the meeting to order at 9:01 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes of February 3, 2011 with the correction on page 3 changing the word "lease" to "least". **Motion carried on voice vote.**

**H 87:** **Rep. Bolz** presented **H 87** stating that the only change to this legislation is adding the word federal to the list of agencies allowed the conveyance of surplus personal property.

In response to committee questions; **Rep. Bolz** explained that personal property would be defined as property that the state had purchased for them and that Idaho citizens would be bidding against the federal government in this legislation.

**MOTION:** **Rep. Higgins** moved to send **H 87** to the floor with a **DO PASS** recommendation; **motion carried on voice vote. Rep. Bolz** will sponsor this bill on the floor.

**H 89:** **Rep. Bolz** presented **H 89** explaining the current process whereby the Board of Commissioners for each fire protection district levies a tax by resolution, and the resolution is transmitted to the County Auditor, County Assessor, and the State Board of Equalization. With this legislation; the requirement to distribute the resolution to the Board of Equalization would be eliminated. He explained that there is no need for this and that all parties involved approve this change.

**MOTION:** **Rep. Stevenson** moved to send **H 89** to the floor with a **DO PASS** recommendation; **motion carried on voice vote. Rep. Bolz** will sponsor this bill on the floor.

**RS20297:** **Speaker Denney** presented **RS20297**. This legislation clarifies, better defines, and places in rule the procedure to be followed for ethics complaints within the House of Representatives. Speaker Denney went through each of the changes within the legislation which includes striking the word "person" and replacing it with "member" because these are internal rules for the members of the House and do not pertain to the public. This legislation clarifies what an ethic violation is and when complaints are brought before the Ethics Committee. Complaints remain confidential until the Ethics Committee meets in an executive session and concludes that there is probable cause to the complaint.

In response to committee questions, **Speaker Denney** stated that the definition of ethics applies to legislative duties and anything that may affect that legislator when performing those duties. If a legislator breaks laws outside of the legislature, they will be subject to the criminal law system and not ethics rules. He also stated that these proposed changes will be effective upon passage on the House Floor and that they will not affect pending complaints. There was discussion regarding language consistency within the legislation.

**MOTION:** **Rep. Pamler** moved to send **RS20297** to the second reading calendar with corrections to page 1 lines 34 and 36 as well as page 2 line 14 changing the words "person" to "member".

**SUBSTITUTE MOTION:** **Rep. King** moved to introduce **RS20297** with corrections to page 1 lines 34 and 36 as well as page 2 line 14 changing the words "person" to "member". She wanted the opportunity to debate this bill further in committee.

**Rep. Palmer** stated that because this legislation deals solely with House Representatives it does not need to come back to committee for public testimony.

**Rep. Stevenson** stated that this will be debated on the House Floor among the members it effects.

**MOTION:** **Original motion carried on voice vote. Rep. King** asked to be recorded as voting **NO**.

**SUBSTITUTE MOTION:** **The substitute motion failed on voice vote.**

**H 90:** **Rep. Bolz** presented **H 90** stating that this legislation came from certified public accountants who wanted further definition regarding when an annual audit is required of government entities. The bill clarifies that an annual audit is required when expenditures from all sources exceed \$100,000 but are less than \$250,000.

**MOTION:** **Rep. Stevenson** moved to send **H 90** to the floor with a **DO PASS** recommendation; **motion carried on voice vote. Rep. Bolz** will sponsor this bill on the floor.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:22 A.M.

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Representative Crane  
Vice Chair

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Camille Luna  
Secretary



AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW02  
Wednesday, February 09, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20303</a>	Catastrophic Health Care Program	Rep. Luker
<a href="#">H 117</a>	State Sovereignty: Federal Health Care Law	Rep. Barbiari Rep. Boyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
Room: EW46  
Phone: (208) 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 09, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW02

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative(s) Black

**GUESTS:** SEE ATTACHED

**RS20303:** **Rep. Luker** presented **RS20303** to the committee. This legislation modifies the Catastrophic Health Care Program coverage from "necessary medical services" to "emergency medical services". He explained that this will bring the program back to where it was 15 years ago with the services it covers and by doing so will save the State an estimated \$4 million dollars. Emergency medical service is defined as a service provided until stabilization for a medical condition in which sudden, serious and unexpected symptoms of illness or injury are sufficiently severe to necessitate immediate medical care when the absence of immediate medical attention would reasonably be expected by a prudent licensed health care provider or emergency responder. This legislation defines stabilization and when a situation is a medical emergency and no longer an emergency. He explained in this legislation gives authority to the Board of Commissioners regarding Medicaid eligibility reviews. He mentioned the Counties have authority to offer primary and preventative health care services to a contract provider for the purpose of minimizing future emergency medical services.

In response to committee questions; Rep. Luker stated that this legislation does not refer to citizenship but does mention seasonal workers. He explained that information can be found elsewhere.

**MOTION:** **Rep. Simpson** moved to introduce **RS20303**.

**Rep. Bilbao** spoke to the motion stating that he would print this legislation in order to have a full discussion later but was not sure how he would vote later.

**MOTION:** **Motion carried on voice vote. Rep. King** asked to be recorded as voting **NO**.

**H 117:** **Rep. Barbieri** presented **H 117** explaining that this legislation stops Idaho agencies from spending time and money implementing the Federal Health Care Law; a law that has been deemed unconstitutional by a federal court. He listed the prohibitions; no state agency may act to implement these federal laws, no state agency may execute agreements with the federal government in furtherance of these laws, no state employee or agency may assist in the execution of these laws, no state agency may take or spend money in furtherance of these laws, and no one person can be compelled to comply with these federal laws. Rep. Barbieri referred to the Tenth Amendment explaining the history of state legislation that promotes state sovereignty.

In response to committee questions; **Rep. Barbieri** stated that he was aware of the split among courts determining if the Federal Health Care Law is unconstitutional. He explained that the idea of losing Medicaid funding (as addressed in the Attorney General's Opinion Statement on **H 117**) with the implementation of this legislation is not a fact. **Rep. Luker** spoke to this idea saying that penalties have to be related to the program affected and there is no relationship for pulling the Medicaid program if **H 117** passes. Rep. Barbieri reiterated that this bill does not deem the Federal Health Care Law unconstitutional but instead is based off the Florida Federal Court ruling and instructs agencies not to comply with an unconstitutional law. Idaho needs to send a message to the federal government to slow this process down as well as be an example to other states. There was discussion regarding the rule of a state exceeding the federal government and if this was a waste of time for the Idaho Legislature. Rep. Barbieri explained that Idaho is not making a statement to the federal government; we are making a statement to state agencies and departments that they must stop acting in furtherance with these laws because they have been deemed unconstitutional by a federal court.

**Rep. Boyle** spoke in favor of **H 117** quoting the Founding Fathers regarding state sovereignty, freedom and her interpretations. She stated that the state legislature will always be vigilant guardians of the rights of the citizens against encroachments from the federal government. She also stated that the Idaho Legislature will constantly give their attention to the conduct of national rulers and will be ready if anything improper appears and not only be the voice, but, if necessary, the arm of their discontent.

**Senator Pearce** spoke in favor of **H 117** stating that the Federal Health Care Law is about power and control that's heading towards a socialist government. He talked about the 109 new agencies that will be formed to implement and maintain this new law and questioned where the money for those agencies would come from. If the legislation is not passed he stated, then the agencies will continue to implement the law and so much of the Federal Health Care Law will be imbedded in law that it will get more and more difficult to stop. If the federal government can enforce one unconstitutional law, then they can enforce whatever they want.

In response to committee questions; Senator Pearce stated that he does not have a plan for health care reform but mentioned ideas such as allowing insurance agencies to compete over state lines. This bill does not urge Idahoans to take up arms in resistance to the federal law; instead, it is to peacefully and lawfully resist the federal law. The State has the right given under the Tenth Amendment to declare a power unconstitutional.

**Isaac Moffett, Ron Clayson, Mike Chism, Senator Nuxoll, Commissioner Jim Shmelek, Darr Moon, Lori Shewmaker, John Blattler, Mike Edmondson, Jamie Edmondson, Jay Van Houten, Patricia Felts, Dennis D. Davey, Caludia Nelson, Rock Jones**; representing the Idaho Tea Party, **Tom Munds, Jim Verdolini, Todd Hattfield, Valerie James, Lee Lay, Rich Washburn, Maurice Clements, J Ballard Washburn, Leah Southwell, Jerry Todd, Brian Pearce, Beau Burk, Sandy Auero, AJ Ellis, Cameron Smith, Pro-Life and Jim Gradey** spoke in favor of **H 117**. Some points that were addressed within these testimonies were references to the Tenth Amendment, state resistance to other federal laws (such as the Real ID Act), not agreeing with the Idaho Attorney General's opinion on **H 117**, the need to restore power to the state level, the need for less government regulation, the rights of citizens to express how they feel when government is out of line, and many references to the Founding Fathers and interpretations of how they would feel about the Federal Health Care Law.

**Wayne Hoffman**, Executive Director of the Idaho Freedom Foundation, spoke in favor of **H 117**. He explained that other states are looking to replicate the same language as found in **H 117** to stop the Federal Health Care Law. He brought up old legislation from previous sessions, such as the Real ID Act, that was used to interpose a federal government that has gone too far.

In response to committee questions; Mr. Hoffman explained that he believes that health care is important for Idahoans but we should not look to the government with those issues.

**Jeff Hymas**, Human Resources Manager at Dickinson Frozen Foods, spoke in favor of **H 117**. Dickinson Frozen Foods employs over 500 Idahoans statewide. He explained that for his company to comply with the Federal Health Care Law it will cost an additional \$2.7 million per year. The only other option is to opt out of the plan which would cost his company approximately \$950,000 per year in penalty fees. If his company in fact decides to opt out of the plan then by statute in the Federal Health Care Law his company cannot offer insurance to any of its employees.

In response to committee questions; Mr. Hymas explained that Dickinson Frozen Foods offers health care to 75 of the 500 employees because that is all it can afford right now. He explained that he is not sure what the total cost to cover those 75 employees is but that the \$2.7 million is an additional cost.

**Leo Cornejo** and **Andrea Shipley** testified against **H 117** stating reasons such as the Federal Health Care Law is federal law and the law of the land, concerns regarding what is going to happen with uninsured Idahoans, the cost to the state to defend **H 117**, as well as points addressing the need for affordable health care.

**Bruce S. Bistline** testified against **H 117**. He explained that this is a federal law that needs to be abided by the states. If Idaho decides to not follow this federal law then Idahoans are put in the middle of whether to follow state or federal law. He inquired if, Idahoans follow state law deemed under **H 117** and by doing so break federal law, then when the federal government sues those individuals for not complying with the federal law, will the state of Idaho represent their cases in court and pay for legal fees? He mentioned that the Real ID Act had the option for states to choose not to participate but that the Federal Health Care Law does not.

In response to committee questions; he explained that many federal courts across the country are deciding if the Federal Health Care Law is constitutional but that the legislature does not have the right to pass this legislation. He suggested joining together as states and seek injunctive relief. **Rep. Bilbao** explained that the Idaho Legislature does have power to enact this bill as defined in the Idaho Constitution. **Rep. Simpson** went into detail regarding the Florida Court ruling of the Federal Health Care Law being unconstitutional and explained concerns about implementing laws in this state that a federal court has deemed unconstitutional.

**Whitney Rearick** testified against **H 117**. She explained personal health conditions and the cost of medications to treat those health problems. She stated that without health care coverage she is not able to afford her prescriptions. She is counting on relief from the Federal Health Care Law.

In response to committee questions; **Mrs. Rearick** stated that if medical insurance coverage is mandated of everyone then costs will be driven down, and she would be able to afford it.

**ADJOURN:**

**Chairman Loertscher** announced the opportunity to testify would be made available Thursday February 10, 2011, at 8:00 A.M. There being no further business before the committee; the meeting was adjourned at 11:49 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW02  
Thursday, February 10, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 117</a>	State Sovereignty: Federal Health Care Law	Public Testimony

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 10, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW02

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** SEE ATTACHED

**Chairman Loertscher** called the meeting to order at 8:01 A.M.

**H 117:** **Andrew Theiss, Frank R. Kenny, Lucas Bawmbach, Valerie Candeleria;** 9-12 Project Organization, **Michael Roy, Jack Stuart, George Gersema, Craig Cambell, Redgie Bigham, Rick Naughton, Joe Rohner, Arvell Barjema, Ben Lockwoods, Rosan Woodsey, Barbra Mundy, and Dave Rogers,** all testified in favor of **H 117** mentioning points such as; the right to state sovereignty within the Tenth Amendment, the relationship between the federal and state government, the constitutionality of the Federal Health Care Law, the mismanagement of current federal agencies, and the need to pass **H 117** to show the federal government that Idahoans are not in support of the Federal Health Care Law.

**Pam Dowd and Carol Augustus** testified against **H 117** mentioning the Federal Health Care Law being a reasonable option for Idahoans because the current system is unsustainable and the state does not have power to overturn federal law.

**David Adler** stated that he was not for or against the legislation but supplied the committee with knowledge regarding constitutional history that applies to **H 117**.

In response to committee questions, **Mr. Adler** explained that the state should make their point of opposition to the federal law in a memorial. He stated that a memorial would be just as effective as **H 117** because the states have no authority to nullify federal law. He stated that it would be wise for the federal court hearings to conclude before passing this kind of legislation. He interpreted that under the Tenth Amendment states are given policing powers to enact federal laws. He believes that when states can start picking and choosing what federal laws to enforce then the nation dissolves. The best action would be for this body to request the Attorney General go before the Supreme Court and ask for a declaration on the laws constitutionality.

**Rep. Barbieri** concluded **H 117** by clearing up a few concerns he had encountered over the course of testimony. He stated that out of the \$2 million granted by the federal government as start up funds for the Federal Health Care Law only \$75,000 has been spent. He mentioned the 6,000 pages within the Federal Health Care Law to direct agencies how to properly comply with the law. Idaho cannot implement laws that have been ruled unconstitutional. He emphasized that **H 117** shows other states that they are not alone in the disapproval of the law. He stated that the fiscal note was initially estimated by the agencies such as the Republican Governors Association.

**Senator Pearce** concluded the discussion on **H 117** by reiterating the need for Idaho to pass this legislation. He explained the history of federal legislation (such as the Fugitive Slave Act) being morally wrong and states at that time did not comply with federal law, causing the federal law to eventually change. He believes passing a memorial would be a weak statement from Idaho.

**MOTION:**

**Rep. McGeachin** moved to send **H 117** to the floor with a **DO PASS** recommendation. Rep. McGeachin spoke to her motion explaining that there is nothing within the federal law that requires implementation. She believes this fact is equally as important as determining the constitutionality of the Federal Health Care Law. She stated that there is discussion regarding health care options for Idahoans but an expansion of Medicare and Medicaid is not the answer.

**SUBSTITUTE MOTION:**

**Rep. Guthrie** moved to send **H 117** to the floor **WITHOUT** recommendation. He spoke to the Substitute Motion stating that he has concerns regarding the collaboration of this bill. He feels the Idaho Legislature needs the state Attorney General's support before moving forward with **H 117**. He mentioned his concerns with the fiscal note excluding the possible legal ramifications that could stem from this legislation.

**Rep. Anderson** spoke in favor of the Substitute Motion stating concerns regarding the fiscal note. He believes the Federal Health Care Law is unconstitutional but that we should wait out the Florida court case. He stated that a resolution would be more appropriate than **H 117** because it does not have legal force. He talked about the loss of Medicaid programs if Idaho chooses to opt out of the plan. If the states do not heed federal law, then they are only collective states and no longer a union. He stated that he will not vote in favor of **H 117** because he feels this is the wrong process.

**Rep. Higgins** spoke in favor of the Substitute Motion for many of the same reasons as expressed by **Rep. Anderson**. She reiterated that the Idaho Attorney General is the primary law in Idaho and he said this is not the way to go.

**Rep. Crane** spoke in support of the Original Motion stating that **H 117** will send a strong message to the federal government that they have over stepped their bounds and that is why the committee needs to send **H 117** to the full body with a do pass recommendation.

**Rep. Buckner-Webb** spoke in favor of the Substitute Motion stating that she is not comfortable with **H 117** referencing the Florida federal court judgement that deemed the Federal Health Care Law unconstitutional because Idaho has not waited to see what happens with that ruling.

**Rep. Smith** spoke in favor of the Substitute Motion stating that the current health care system is broken and the Federal Health Care Law is the first step towards reform.

**Rep. King** spoke in favor of the Substitute Motion. She stated that her district over the weekend held a forum that focussed on legislation which included **H 117** and they do not want it to pass. She mentioned her work in health care dealing with the uninsured and under insured. She feels the Federal Health Law is the answer to an improved health care system.

**Rep. Simpson** spoke in favor of the Original Motion. He stated that **H 117** needs to be passed because federal courts have ruled the Federal Health Care Law unconstitutional. Other states have expressed opposition to this law from the beginning and the federal government has not slowed down implementation. He feels that the states have the responsibility to stop this and that is what **H 117** is doing.



**Rep. Andrus** spoke in favor of the Original Motion. He explained the Stop Health Care Act that was passed in the legislature last year and **H 117** are compatible because this is stopping state agencies from enforcing what was voted against last year.

**Rep. Luker** spoke in favor of the Original Motion explaining that he was involved in the redraft process of **H 117**. He broke the bill down into two sections; the first being a memorial which is the legislative intent and the second is the policy for state agencies. He stated that although the federal court ruling was in Florida, Idaho and all other states are plaintiff's in the case because it's order applies specifically to those states and the Florida court has jurisdiction because it is dealing with a federal law.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Motion failed 5 AYE to 14 NAY. Representative Guthrie, Smith, King, Higgins, and Buckner-Webb** voted **AYE**. **Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Henderson, McGeachin, Sims, and Batt** voted **NAY**.

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

**Motion carried 14 AYE to 5 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt** voted **AYE**. **Representatives Anderson, Smith, King, Higgins, and Buckner-Webb** voted **NAY**.

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 10:45 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:00 A.M.  
Room EW40  
Monday, February 14, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20287</u></a>	Lewiston 150th Birthday	Rep. Rusche
<a href="#"><u>RS20269</u></a>	Congratulating Lewiston: Safest and Most Secure Places to Live (Farmers Insurance Group of Companies)	Rep. Rusche
<a href="#"><u>RS20353</u></a>	Idaho Video Service Act	Bill Roden; Qwest

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 14, 2011  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** NONE  
**GUESTS:** Ray Amaya, 670AM KBOI; Mathew Malek, Risch Pisca PLLC; Sarah Furihman, Roden Law Office; Skip Smyser; AT&T

**Chairman Loertscher** called the meeting to order at 9:00 A.M.

**RS20287:** **Rep. Rusche** presented **RS20287** stating the proclamation commemorates the 150th birthday of the City of Lewiston, Idaho. He gave a brief history of the city to the committee explaining that it was the first Idaho territorial capitol.

**MOTION:** **Rep. Luker** moved to send **RS20287** to the second reading calendar. **Motion carried on voice vote.** **Rep. Rusche** will sponsor the bill on the floor.

**RS20269:** **Rep. Rusche** presented **RS20269** to the committee. He explained that this House Concurrent Resolution congratulates Lewiston, Idaho, and the Lewis-Clark Valley for being chosen as one of the most secure places to live in the United States. The ranking is done annually by the Farmers Insurance Group of Companies.

**MOTION:** **Rep. Higgins** moved to send **RS20269** to the second reading calendar. **Motion carried on voice vote.** **Rep. Rusche** will sponsor the bill on the floor.

**RS20353:** **Bill Roden**, representing Qwest, presented **RS20353** explaining that after **H 32** was printed the highway districts decided to make modifications to the legislation which resulted in **RS20353**. The primary change makes certain that no provision within this legislation would limit the authority of the state or highway districts over the public rights-of-way. He explained language changes that make it more compatible with highway districts' terms. The Secretary of State's Office requested better clarification regarding the definition of accepting certificate of franchise applications as a ministerial duty.

In response to committee questions; **Bill Roden** stated that this bill does not change issues regarding PEG channels, but rather, deals with concerns from the highway districts. The legislation allows for a five percent gross revenue fee but does not require that fee to be used for the rights-of-way within cities. The legislation includes a nondiscrimination section that promotes coverage statewide, and Mr. Roden stated that any complaints of discrimination by counties or cities are to be reported to the Idaho Attorney General. He explained that after a provider first supplies video service to at least one subscriber within a service area, the system must then designate as many channels for public, educational, and governmental (PEG) use as previously activated by the incumbent cable service. If the service is provided in an area that does not have PEG channels available but wants one; this legislation will provide at least one within the jurisdictional limits. He explained that this legislation is compatible with the current system and promotes local control regarding the rights-of-way, PEG channels, and the franchise fee amount.

**MOTION:** **Rep.Batt** moved to introduce **RS20353**.

**SUBSTITUTE MOTION:** **Rep. King** moved to send **RS20353** back to sponsor. She stated that the cities are not in support of this legislation and feel as if it needs further revisions.

**Rep. Luker** spoke to the motions stating that **H 32** was already printed in this committee in order to have a full discussion and **RS20353** only changes terminology for the highway districts, with that, he feels it would be fair to introduce.

**SUBSTITUTE MOTION:** **Substitute Motion failed on voice vote.**

**ORIGINAL MOTION:** **Original Motion carried on voice vote. Representatives King and Smith** asked to be recorded voting **NAY**.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:36 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:30 A.M.  
Room EW40  
Tuesday, February 15, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20368</u></a>	Condemnation of Private Property	Rep. Bedke
<a href="#"><u>RS20373</u></a>	75th Anniversary of Sun Valley	Rep. Jaquet
<a href="#"><u>S 1006</u></a>	Right to Work	Rep. Henderson
<a href="#"><u>S 1007</u></a>	Labor Organizations	Rep. Henderson
<a href="#"><u>RS20279</u></a>	Health Care Transparency	Molly Steckel, Idaho Medical Association

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 15, 2011  
**TIME:** 9:30 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** NONE  
**GUESTS:** SEE ATTACHED

**Chairman Loertscher** called the meeting to order at 9:30 A.M.

**RS20368:** **Rep. Bedke** presented **RS20368** to the Committee. The legislation ensures that when and if the powers of eminent domain are used for the condemnation of private property, that such action directly serves the interest of Idaho residents. He explained the checklist that utilities must comply with in order to condemn property for public use; this legislation adds the requirement to ensure that the benefit of Idaho is being served.

In response to committee questions, **Rep. Bedke** explained that eminent domain is used rarely but when it is necessary, the utilities need to consult the checklist made available in Idaho Code with this legislations benefiting Idaho requirement. This new stipulation would apply to all entities that are able, as listed in Idaho Code, to use eminent domain. Problems are reported to the Public Utilities Commission which directs the courts in determining if the case benefits Idaho. He explained that he would not be opposed to better defining the word directly within the legislation if the Committee so desired.

**MOTION:** **Rep. Simpson** moved to introduce **RS20368**; **motion carried on voice vote**. **Rep. Smith** was recorded voting **NO**.

**RS20373:** **Rep. Jaquet** presented **RS20373** to the Committee. The purpose of this proclamation is to recognize and celebrate the 75th Anniversary of the Sun Valley Resort as well as the Sun Valley inductees Earl Holding and Muffy Davis for this year's Ski Hall of Fame.

**MOTION:** **Rep. McGeachin** moved to send **RS20373** to the second reading calendar; **motion carried on voice vote**. **Rep. Jaquet** will sponsor the bill on the floor.

**S 1006:**

**Rep. Henderson** presented **S 1006**, The Open Access to Work Act, to the committee. He explained that this bill represents companies of the Inland Pacific Chapter of Associated Builders and Contractors (IPC-ABC) and their employees. The IPC-ABC has two regional offices, one in Boise and one in the Spokane Valley. This legislation addresses the issue of union-only Project Labor Agreements (PLA). These agreements are between labor unions and building contractors that only allow union employees to work on projects. When these agreements are entered into between unions and project builders they eliminate merit shop contractors and their employees from winning and participating in projects. He explained that when builders do not sign the unions PLA, the unions reciprocate with activities such as bannering, picketing, and union member harassment of company employees. Union-only PLA's require unions to be the exclusive bargaining representative for workers during the duration of the project. He explained that the decision to elect union representation is made by the employer rather than the employee, thus circumventing the Idaho Right to Work statute. He explained that union numbers are down nation wide and they are desperate for work; Idaho needs to stop their extreme measures to ensure union-only projects through PLA's.

In response to committee questions; **Rep. Henderson** stated that he was not aware of the percent of work within the state awarded to unions. He mentioned specific companies in Idaho that did not sign these PLA's and were harassed by the union which eventually led to the business going under.

In response to committee questions; **Jane Wittmeyer** explained in more detail the involvement of the Associated Builders and Contractors (ABC) in **S 1006**. She mentioned how unions present PLA's to contractors by telling them that if they do not want problems on their work site, they will sign this agreement.

In response to committee questions; **Judd Lees**, representing the IPC-ABC, went into detail regarding the legal questions of **S 1006**. He explained the labor laws in union and non-union construction project and hidden cost in PLA's.

**Robert Middlebrook, JD Day, AJ Holdbrook, Rod Clay, Joe Alcala, and John Foster** testified against **S 1006**. Some points mentioned in their testimony included; the unions ability to finish jobs on time and on budget, never witnessing protests first hand or participating in union harassment, being a member of a union and paying union dues is a choice, and how union jobs keeps Idaho employees working instead of bringing people in from out of state.

**ADJOURN:**

**Chairman Loertscher** announced the chance to testify would be made available Wednesday February 16, 2011 at 8:00 A.M. There being no further business before the committee; the meeting was adjourned at 10:57 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Wednesday, February 16, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20242</u></a>	Clarifies Period of Abandonment for Business Associations	Ron Crane; Idaho State Treasurer
<a href="#"><u>RS20237</u></a>	Unclaimed Property Law	Ron Crane; Idaho State Treasurer
<a href="#"><u>S1006</u></a>	Right to Work	Rep. Henderson
<a href="#"><u>S1007</u></a>	Labor Organizations	Rep. Henderson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 16, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** SEE ATTACHED

**RS 20242:** Idaho Treasurer **Ron Crane** presented **RS 20242** stating that this legislation better clarifies the process of dealing with unclaimed property. He explained that the Unclaimed Property Office within the Office of the State Treasurer (OST) is responsible for locating property owners. Government entities and individuals also have the responsibility to notify the OST when owners can not be located. The current language does not call for a business association to transmit unclaimed interests to the Unclaimed Property Office. This bill clarifies that the period of abandonment for business associations is 5 years, explaining that a year period is consistent with the period for the majority of other unclaimed property categories.

In response to committee questions, **Melanie Wade**, Program Specialist for the Unclaimed Property Program, and **Treasurer Crane** explained that this language clarifies when shareholders have been considered abandoned for 5 years and that all stocks, interest, and dividends payments are turned over to the State.

**MOTION:** **Rep. King** moved to introduce **RS 20242**; **motion carried on voice vote.** **Rep. Luker** asked to be recorded as voting **NO**.

**RS 20237:** **Julie Weaver**, Deputy for the State Treasurers Office, presented **RS 20237**. She explained that this legislation provides technical corrections to provisions within the Unclaimed Property Law that are no longer applicable to current statute.

**MOTION:** **Rep. Higgins** moved to introduce **RS 20237**; **motion carried on voice vote.**

**S 1006:** **Chairman Loertscher** stated that the Committee will now hear testimony in continuation of the **S 1006** hearing that was started on February 15, 2011.

**Mark Zaleski** and **Fred Fischer** testified against **S 1006**. They mentioned points such as **S 1006** falsely portraying unions as forcing work on companies through PLA's and explained benefits of having these agreements.

**Senator Pearce** reiterated the fact that Idaho is better without PLA's because it allows for an open market instead of union-only member projects. He shared examples of business owners who chose not to sign a union PLA and were later forced to close their companies because of union harassment.

In response to committee questions, **Judd Lees**, representing the IPC-ABC, and **Senator Pearce** explained that when a company enters into a PLA with a union then the contractor is bound to only employ union workers. This causes the work within the State to be less competitive and more expensive.

**MOTION:** **Rep. Crane** moved to send **S 1006** with a **DO PASS** recommendation. He spoke to his motion stating that the testimony he has heard regarding the benefits of PLA's are benefits that can be in any contract that are not union-only.

**Rep. King** stated that these agreements are rarely used and when they are, they are a good tool for setting standards of quality.

**ROLL CALL VOTE ON MOTION:** **Motion carried 15 AYE to 4 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted AYE. Representatives Smith, King, Higgins, and Buckner-Webb voted NAY.**

**S 1007:** **Rep. Henderson** presented **S 1007** explaining that this legislation, known as the Fairness in Contracting Act, prohibits union wage subsidies through Job Targeting/Marketing Funds. Targeting/Marketing Fund programs collect fees from union members for the purpose of providing wage subsidies to enable union contractors to compete on projects on which they otherwise would be non-competitive. **S 1007** states that no labor organization may directly or indirectly pay a wage subsidy or wage rebate to its members in order to subsidize a contractor or subcontractor.

**Jane Wittmeyer**, representing the Associated Builders and Contractors of the Inland Pacific Chapter, explained a situation of a business owner that chose not to testify against **S 1006** and **S 1007** in front of the Committee because he feared for his family and business if he testified publicly. She feels that by passing **S 1007** it will level the playing field for all contractors and reduce union harassment.

In response to committee questions **Jane Wittmeyer** and **Judd Lees**, both representing the Associated Builders and Contractors of the Inland Pacific Chapter, stated that unions could rename the Targeting/Marketing Funds to avoid this legislation, but that it would be easy to see those changes on annual financial reports. Mr. Lees stated that there is nothing illegal about an employee voluntarily contributing money to this type of fund but that it is not fair to other companies that can not compete.

**Cory Mundy, Rod Clay, Mark Zaleski, Brandon Durst, Larry Johnson, Leon Kurns, and John Foster** testified against **S 1007** mentioning points such as the Marketing/Targeting Funds going towards retirement and health care as well as competitive bidding, all funds are taken out of Idaho worker dues after taxes and are put back into Idaho jobs, volunteer work for the State done by unions, the need for the fiscal note to mention increase in State bids because unions are not able to be competitive, as well as mentioning that the union should not be punished for coming up with a way to stay competitive in the market.

**JD Day** testified against **S 1007** stating that members volunteer to contribute to these funds and that the State should not be taking away that option from union members. He suggested better union harassment laws because he believes getting rid of these funds will not stop it.

In response to committee questions, **Mr. Day** stated that the money used in the Market/Targeting Funds are from Idaho, not national, members and that it is not the intent of those funds to bid under cost in order to take out another competitive business but instead, to provide stable wages for members.

**Mike Packard** testified in favor of **S 1007**. He explained that being a local business owner, he is not able to compete with unions that get their funding from out of state. He explained that he has been the victim of union harassment and feels that **S 1007** is step in the right direction to promote fairness in the bidding market as well as decreasing union harassment.

**Senator Pearce** reiterated the need of **S 1007** to the Committee stating that this legislation will level the playing field. He mentioned the unions use out of state money to under bid projects and that Idaho needs to show that they do not approve.

**Judd Lees** explained the fiscal responsibility Idaho has to pass **S 1007**; going into detail on the bidding processes and savings to Idaho without the Market/Targeting Funds. He stated that he is unsure if Marketing/Targeting Funds were used on the capitol renovations.

**MOTION:** **Rep. Stevenson** moved to send **S 1007** to the floor with a **DO PASS** recommendation.

**Rep. Bilbao** spoke to the motion stating that he has belonged to a union and feels that they are beneficial when working together as union and non-union alike.

**Rep. King** stated that she will be voting against the motion because she supports unions stating they keep jobs in Idaho and support local communities through service.

**Rep. Luker** stated that the Legislature should not tell members of a union what they can and can not do with their money. He doesn't feel that **S 1007** addresses the harassment issues strongly testified about but only deals with the anti-competitive issue. He feels that making a criminal statute with fines and tells people how to spend their money is not right without better defining the intent of this legislation being to eliminate competition.

**SUBSTITUTE MOTION:** **Rep. Luker** moved to send **S 1007** to General Orders adding the words on page 1 line 15 "with the intent to eliminate competition" after the word "indirectly", on page 1 line 20 after the word "indirectly" and on page 1 line 28 after the word "Idaho".

In response to a committee question, **Jane Wittmeyer** stated that she would prefer **S 1007** does not go to General Orders because the intent of the legislation is clear. She mentioned that the criminal statute for this legislation was amended by the Senate which decreased the fines by approximately 10 percent.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Motion failed 2 AYE to 16 NAY. Representatives Bilbao and Luker voted AYE. Chairman Loertscher, Vice Chairman Crane, Representatives Stevenson, Black, Andrus, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Batt, Smith, King, Higgins, and Buckner-Webb voted NAY.**

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Motion carried 12 AYE to 6 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Stevenson, Black, Andrus, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted AYE. Representatives Bilabo, Luker, Smith, King, Higgins, and Buckner-Webb voted NAY.**

**ADOURN:** There being no further business before the committee; the meeting was adjourned at 10:41 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Thursday, February 17, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20279</u></a>	Health Care Transparency Act	Susie Pouliot, Idaho Medical Association
<a href="#"><u>RS20406</u></a>	Community College Trustee Subdistricts	Rep. Henderson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 17, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representatives Anderson, McGeachin

**GUESTS:** Teresa Molitor, North Idaho College

Chairman Loertscher called the meeting to order 8:30 A.M.

**RS 20279:** **Susie Pouliot**, representing the Idaho Medical Association, presented **RS 20279**. This requires that a health care practitioner must identify the type of license they hold in any service advertisements as defined within the legislation. Practitioners are required to have the type of license held spelled out in full, using no abbreviations on identification badges, if they so choose to wear one. These badges must be of a legible size and font as determined by the Licensure Board. She stated that this legislation gives authority to health care Licensure Boards to regulate the honest and accurate self-identification of all health care providers, which better promotes transparency within health care.

In response to committee questions, **Susie Pouliot** stated that if a health care provider misleads a patient, or is misleading in general regarding the type of license they hold, then the Licensure Board can find the practitioner guilty of unprofessional conduct.

**MOTION:** **Rep. Bilbao** moved to introduce **RS 20279**. He stated that he understands the need for transparency in the health care system, such as in an Emergency Room where many different practitioners work.

**SUBSTITUTE MOTION:** **Rep. Simpson** moved to return **RS 20279** to sponsor. He stated that the language is too broad and feels there needs to be more due process when rendering a verdict on practitioners being guilty of unprofessional conduct.

**SUBSTITUTE MOTION:** **Substitute Motion failed by hand vote.**

**ORIGINAL MOTION:** **Original Motion carried on voice vote. Representatives Sims, Luker, and Simpson** asked to be recorded as voting **NO**.

**RS 20406:** **Rep. Henderson** presented **RS 20406** stating that this is the new version of **H 106** and went through the changes with the Committee. When dealing with the formation of a community college trustee subdistrict, the words "corporate limits" were stricken. He stated that this accomplishes the same duty but gives more options for the current Board. **RS 20406** better clarifies that the information from the United States census will be used in the revision of subdistricts every ten years.

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20406**; **motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 8:55 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Monday, February 21, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20457</u></a>	Landlord/Tenant Act referring to Mobile Homes	Jack Lyman, Idaho Housing Alliance
<a href="#"><u>RS19935</u></a>	Language Housekeeping	Bill Burns, Department of Administration
<a href="#"><u>H 58</u></a>	Civil Offices	Rep. Trail

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 21, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative(s) McGeachin

**GUESTS:** Bill Burns, Department of Administration; Jack Lyman, Idaho Housing Alliance; Justin Ruen, Association of Idaho Cities

**Chairman Loertscher** called the meeting to order at 8:30 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes of February 7, 8, 9, 10, and 14, 2011.  
**Motion carried on voice vote.**

**RS 20457:** **Jack Lyman**, representing the Idaho Housing Alliance, presented **RS 20457**. This legislation amends the existing Mobile Home Landlord/Tenant Act which currently only applies to mobile homes and does not apply to manufactured homes. Under state and federal law, mobile homes are defined as homes manufactured before June 1, 1976 and manufactured homes are defined as homes built after that date. He stated that this legislation will make certain the Act applies not only to mobile homes but also manufactured homes.

**MOTION:** **Rep. Bilbao** moved to introduce **RS 20457** with recommendation it be referred to the House Business Committee; **motion carried on voice vote.**

**RS 19935:** **Bill Burns**, from the Department of Administration, presented **RS 19935**. The primary purpose of this legislation is to clarify statutes for easier understanding and eliminate statutes that are no longer applicable. He went through the changes which include: updating and adding language regarding bid processes, more flexibility in Department powers, eliminating stock references because they do not apply to the Department, allowing for other forms of performance guarantees, giving the Administrator powers to disqualify vendors, and updating code references within the legislation.

In response to committee questions, **Bill Burns** stated that the changes to sections 1 and 2 make the same change. Section 1 has a sunset clause so section 2 will replace the section under sunset and carry those changes forward.

**MOTION:** **Rep. Black** moved to introduce **RS 19935**; **motion carried on voice vote.**

**H 58:** **Rep. Trail** presented **H 58** stating the purpose of this legislation is to allow the decision of a competent tribunal to declare an elective office vacant due to apparent abandonment or prolonged absence. It would eliminate issues that arise when a city councilman, county commissioner, or other elected officials, are absent from their duties for an extended period of time. He gave a brief history of how this legislation came about explaining that there are no current provisions in place to address the issues in the occasion of a council position suddenly becoming vacant. He explained that these situations are extremely rare but the inability to fill the vacant seat seems nonsensical. This legislation would broaden the definition of vacancy to include apparent abandonment or prolonged incapacity or absence.



In response to committee questions; **Brian Kane**, from the Office of the Governor, and **Rep. Trail** stated that there is not a specific time set for how long an office must sit vacant before this legislation is enacted because this occurrence is so rare and should be handled case by case. He stated that this would be a civil action and that the courts get their authority from this legislation.

**Justin Ruen**, representing the Idaho Association of Cities, testified in support of **H 58**.

**MOTION:** **Rep. Higgins** moved to send **H 58** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Crane** asked to be recorded voting **NO**. **Rep. Trail** will sponsor the bill on the floor.

**ADJOURN:** There being no further business of the committee; the meeting was adjourned at 8:56 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Tuesday, February 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20473</u></a>	Powers of Eminent Domain: Condemnation of Private Property	Rep. Bedke
<a href="#"><u>RS20428</u></a>	Land Board Duties	Rep. Schaefer
<a href="#"><u>RS20397</u></a>	Freedom of Conscience	Rep. Ellsworth
<a href="#"><u>RS20401</u></a>	Environmental Protection Agency's	Rep. McMillan
<a href="#"><u>RS20387</u></a>	Pari-Mutual Wagering	Rep. Bilbao
<a href="#"><u>RS20211C1</u></a>	Limitations on Eminent Domain	Rep. Guthrie

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 22, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Rep. McMillan; James McMillan; Kent Lauer, Idaho Farm Bureau; Zach Hauge, Capitol West; Hannah Brass, ACLU of Idaho; Ray Amaya, 670AM KBOI; David Irwin, AARP; Neil Colwell, Avista; Matthew Malch, Risch Pisca PLLC

**Chairman Loertscher** called the meeting to order at 8:30 A.M.

**RS 20473:** **Rep. Bedke** presented **RS 20473** stating that this is a redraft of **H 168**. This legislation is more specific in regards to who applies the regulations, as listed in Idaho Code, when dealing with eminent domain. He explained that an entity not including a public utility, cooperative, or municipality, exercising the right of eminent domain must demonstrate that such use of the property taken directly serves the interests of the residents of Idaho.

In response to committee questions; **Rep. Bedke** stated that the right to eminent domain is carved out in the overriding language of the Constitution. There were concerns among the committee regarding the word "directly" and Rep. Bedke stated that it could be further defined if the committee so desired.

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20473**; **motion carried on voice vote.**

**RS 20428:** **Rep. Schaefer** presented **RS 20428**. This proposed legislation is designed to clarify duties of the Idaho Land Board to the extent that they may more ably discern between government and private sector proprieties. He stated that the Land Board has failed to maximize the income and investments of current state lands. He felt that it is inappropriate for the government to deal with private sector lands and businesses because of the benefits, such as tax breaks, that come with owning State land. He felt that removing this duty from the Land Board will greatly benefit the open market.

**Rep. Vander Woude** testified in support of **RS 20428** stating that the government should not be buying businesses and properties. The Land Board has discussed hiring a property manager to maintain current property, and he felt this was not a good idea. This legislation would regulate what the Land Board can and cannot buy.

In response to committee questions, **Rep. Vander Woude** stated that the Idaho Land Board currently owns a federal building whose tenants do not want to pay rent and are asking for renovations. He explained that there would be cost to the State if the renovations were addressed. The intent of this legislation is not to stop the Land Board from buying land but rather to stop the Board from being the project manager of entities.

**MOTION:** **Rep. Andrus** moved to introduce **RS 20428**; **motion carried on voice vote.**

**RS 20397:** **Rep. Ellsworth** presented **RS 20397**. This proposed legislation resolves a narrow conflict between the Freedom of Conscience for Health Care Professionals Act and the Medical Consent and Natural Death Act. She stated that the conflict involves living wills and asked the committee to give this legislation a full hearing.

**MOTION:** **Rep. Luker** moved to introduce **RS 20397**; **motion carried on voice vote.**

**RS 20401:** **Rep. McMillan** introduced her son, **James McMillan**, to present **RS 20401**. He stated that the purpose of this memorial is to express the State's opposition to the continued Superfund listing of, and involvement in, the Coeur d'Alene Mining District in Shoshone County, and to express opposition to the Environmental Protection Agency's proposed Record of Decision amendment. This amendment provides for continued involvement for the next 50 to 90 years, at a cost of \$1.3 billion. He went into detail regarding the project and stated that this would have a devastating effect upon the mining industry in Idaho.

In response to committee questions, **Mr. McMillan** stated that the \$1.3 billion is an estimated cost of the total project lasting anywhere from 50 to 90 years.

**Rep. Sims** invoked **House Rule 38** and stated that she sits on the Idaho Mining Board and would be voting on this legislation.

**MOTION:** **Rep. Henderson** moved to introduce **RS 20401** with the change to the Statement of Purpose adding the State's current fiscal obligations to the Coeur d'Alene Basin Superfund. **The motion carried on voice vote.**

**RS 20387:** **Rep. Bilbao** presented **RS 20387**. This proposed legislation sets up procedures and restrictions for off-track betting. He explained that off-track betting is the activity of placing bets and collecting winnings on races watched via television. This legislation also establishes guidelines for distribution of excess funds to the Idaho Horse Board for youth programs and to the Robert R. Lee Promise Scholarship program.

**MOTION:** **Rep. Higgins** moved to introduce **RS 20387**; **motion carried on voice vote.** **Rep. Crane, Palmer, Luker, and Simpson** asked to be recorded as voting **Nay**.

**RS 20211C1:** **Rep. Guthrie** presented **RS 20211C1**. This proposed legislation places additional limitations on the use of eminent domain. The intent is that eminent domain will not be used for limited transportation corridors that are not critical to the greater public good. He explained why this legislation came about and gave examples of transportation corridors such as bike trails, walking paths, or greenways.

**MOTION:** **Rep. Simpson** moved to introduce **RS 20211C1** with the change on page 2 line 9, adding the word "or" between the words "steam" and "electric". **The motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:13 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:30 A.M.**  
**Room EW40**  
**Wednesday, February 23, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20245</u></a>	Definitions of Contraception and Abortifacient	Rep. King
<a href="#"><u>RS20205</u></a>	Removing "end of life and care" from Conscience Bill for Health Care Professionals	Rep. King
<a href="#"><u>RS20463</u></a>	Dealer and Salesman Licensing	Rep. Sims
<a href="#"><u>RS20399</u></a>	5% Bond on Products Transported on State Highways	Rep. Harwood
<a href="#"><u>RS20464</u></a>	Extending Sunset for Sales Tax Rebate on Media Production Projects in Idaho	Tom William, Idaho Film Producer
<a href="#"><u>H 174</u></a>	Unclaimed Property Office	Ron Crane, Idaho State Treasurer
<a href="#"><u>H 175</u></a>	Unclaimed Property Office	Ron Crane, Idaho State Treasurer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

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Rep Simpson

Rep Guthrie

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 23, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Tom Williamson, Idaho Film Producers; Zach Hauge, Capitol West; Peggy Munson, AARP; Jack Lyman, Idaho Mining Association; Ray Amaya; 670AM KBOI; Jeremy Pisca, Alliance of Automobile Manufacturers

**Chairman Loertscher** called to meeting to order at 8:30 A.M. He announced that without objection, **RS 20399** would be presented first.

**RS 20399:** **Rep. Harwood** presented **RS 20399**. This proposed legislation would implement a 5% bond of the appraised value of products being transported on State highways within the State. He explained that when dealing with megaloads, lawsuits are filed against the company moving the materials which delays project time and acquires extra cost in legal expenses.

In response to committee questions, **Rep. Harwood** stated that the party putting up the lawsuit pays the 5% bond and the industry hauling the materials is required to have liability insurance. He explained that the funds from the 5% bond go to the Transportation Department because they are most likely the ones being sued and the money from the courts would go to the industry to cover losses.

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20399**.

**Rep. Luker** stated that the 5% bond money being issued should be better defined within the legislation but will vote yes to the motion because this should have a full hearing.

**MOTION:** **The motion carried on voice vote. Rep. King** asked to be recorded as voting **nay**.

**RS 20245:** **Rep. King** presented **RS 20245**. The purpose of the proposed legislation is to correctly and consistently define abortifacient and to exclude emergency contraception as an abortifacient. She stated that the inaccurate characterization of emergency contraception as an abortifacient will delay or prevent women from accessing emergency contraceptions which could lead to unintended pregnancies.

In response to committee questions, **Rep. King** stated that the definitions of embryo and fetus were removed from this legislation because they can be found elsewhere. The legislation requires pharmacies to dispense contraceptives, so families know they have the option, if needed.

**MOTION:** **Rep. Simpson** moved to return **RS 20245** to sponsor; **motion carried on voice vote. Representatives King, Smith, Higgins, and Buckner-Webb** asked to be recorded as voting **nay**.

- RS 20205:** **Rep. King** presented **RS 20205**. This proposed legislation would remove the words "end of life treatment and care" from the Conscience Bill for health care professionals. Health care professionals should always follow end of life directives from a patient. She stated that she has had many constituents confront her about this issue and would like to see this change.
- In response to committee questions, **Rep. King** stated that she is unsure if this issue has been abused in the seven months the Conscience Law has been in place. The Natural Death Act refers to physicians and not all health care professionals.
- MOTION:** **Rep. Black** moved to introduce **RS 20205**.
- SUBSTITUTE MOTION:** **Rep. McGeachin** moved to return **RS 20205** to sponsor. She stated there is another bill being proposed dealing with this issue.
- Rep. Simpson** spoke in favor of the substitute motion stating that he has performed extensive research in order to find a doctor that overruled a family's wishes regarding a family member's care, and he has been unsuccessful in finding any such case. He explained that if there had been any issues, the information would have been easily found; therefore, he does not feel that this is a problem.
- Rep. Crane** spoke in favor of the substitute motion stating that the language in this legislation is broad and that he anticipates debating **H 187** which deals with these same issues.
- ROLL CALL ON SUBSTITUTE MOTION:** **The Substitute Motion passed 13 AYE to 6 NAY. Chairman Loertscher, Vice Chairman Crane, Representative(s) Stevenson, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted AYE. Representative(s) Anderson, Black, Smith(30), King, Higgins, and Buckner-Webb voted NAY.**
- RS 20463:** **Rep. Sims** presented **RS 20463** and explained that she currently serves on the Board of the Idaho and National Auto Dealers Association and, in compliance with House Rule 38, she disclosed that she is an auto dealer by profession. She explained that some of the details contained within this legislation are simply corrections to existing language to keep up-to-date with trends within dealerships. Changes include: dealership operation in the case of a death, bankruptcy, or disability, manufacturers' denial of allocation or withholding payments used to force site control, auto sales to Canadian residents, manufacturers requiring dealers to sell specific extended service contracts in connection with the sale or lease of a new vehicle, payment for delivery preparation and warranty service, and how compensation is paid to the dealer by the manufacturer. She stated that dealers statewide are in support of these changes.
- In response to committee questions, **Rep. Sims** stated that franchise agreements are not individualized for dealers but are competitive contracts that cannot be changed.
- MOTION:** **Rep. Henderson** moved to introduce **RS 20463; motion carried on voice vote. Rep. King** asked to be recorded as voting **nay**.
- RS 20464:** **Tom Williamson**, Idaho Film Producers, introduced **RS 20464**. He began by explaining his political background and his career in film making. He explained this proposed legislation extends a rebate of sales tax on purchases of personal tangible property when a minimum of \$200,000 is expended on a media production project in Idaho over a 36 month period. He explained the State would benefit because this rebate works as an incentive to film makers to produce films in Idaho.
- MOTION:** **Rep. Stevenson** moved to introduce **RS 20464; motion carried on voice vote. Representative Luker** asked to be recorded as voting **nay**.



**H 174:** Idaho State Treasurer, **Ron Crane**, presented **H 174**. He explained that this legislation deals with the Unclaimed Property Division within the Office of the State Treasurer (OST). He explained that companies do not report lost shareholders to the State because the current process is unclear. This bill clarifies that the period of abandonment for business associations is five years. He explained that a five year period is consistent with other unclaimed property categories.

In response to committee questions, **Julie Weaver** and **Melanie Wade**, representing the Office of the State Treasurer, explained the process of linking up shareholders with their property and mentioned the unclaimed property list that is published monthly on the State's website. Names on the published notifications remain there for 10 years and if property is not claimed then it is turned over to the State's General Fund. They explained that after a company gets notice of five uncashed dividend checks from a shareholder, the company is no longer required to continue sending checks. There is no incentive for a company to find a missing shareholder because the company keeps the property that is unclaimed. Approximately \$1.8 million is directed to the General Fund annually.

**MOTION:** **Rep. Black** moved to send **H 174** to the floor with a **DO PASS** recommendation.

**Rep. Luker** spoke against the motion stating that more of an effort should be made to locate shareholders, shares should not be turned over to the state, and that the language in the legislation is too broad.

**MOTION:** **Motion carried on voice vote. Representatives Luker, Sims, Andrus, and Guthrie** asked to be recorded as voting **nay**. **Rep. Black** will sponsor the bill on the floor.

**H 175:** Idaho State Treasurer, **Ron Crane**, presented **H 175**. He explained that this proposed legislation provides technical corrections to two provisions within the Unclaimed Property Law. The first revision removes the section dealing with inheritance tax because Idaho no longer has an inheritance tax. The second revision simply changes the Idaho Code reference to the correct section.

**MOTION:** **Rep. Higgins** moved to send **H 175** to the floor with a **DO PASS** recommendation; **motion carried on voice vote. Rep. Batt** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee, the meeting was adjourned at 9:56 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Thursday, February 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS19976</u></a>	Division of Public Works: Construction Managers	Tim Mason, Administrator of the Division of Public Works
<a href="#"><u>RS19977</u></a>	Division of Public Works: Construction Contract Awarding Process	Tim Mason, Administrator of the Division of Public Works
<a href="#"><u>H 156</u></a>	Video Service Act	Bill Roden, Qwest

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Camille Luna  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 24, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Tim Mason, Division of Public Works; Sarah Fuhrman, Roden Law Office; JoAn Condie, ID Cable Tele Assoc.; Russ Young, CableONE Twin Falls; Alex McNish, Treasure Valley Community TV; David Swindell, City of Pocatello; Alex LaBeau, IACI; Justin Ruen, Assoc. of ID Cities; Bob Uebelher, Connolly + Smysy; Celynda Roach, ICTA; Dave Whaley, AFL-CIO; Cindy Hedge, AFL-CIO; Ron Williams, ICTA; Danish Ishaq; Jim Schmitt, Qwest; Skip Smyser, AT & T Jayson Ronk, IACI; John Eaton, Realtors; Erik Makrush, Idaho Freedom Foundation; Pete Peterson; Pam Eaton; Idaho Retailers Assn.; Matthew Maleh, Risch-Pisca PLLC; Ray Amaya, 670AM KBOI

**Chairman Loertscher** called the meeting to order at 8:00 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes from February 15 and 16, 2011. **Motion carried on voice vote.**

**RS 19976:** **Tim Mason**, Administrator of the Division of Public Works, presented **RS 19976**. He explained that this legislation would allow construction managers to self-perform portions of a project and provide a guaranteed cost for a project. This method of construction delivery would be available, but not required, to the Division of Public Works and used when deemed to be in the best interest of the specific project.

**MOTION:** **Rep. King** moved to introduce **RS 19976**; **motion carried on voice vote.**

**RS 19977:** **Tim Mason**, Administrator of the Division of Public Works, presented **RS 19977** explaining the current bidding process of projects being awarded to the lowest bidders. This legislation authorizes construction contract awards be based on factors other than price to contribute to a successful project. He explained that this would provide for the consideration of a number of selection factors such as price, past performance, and experience. The current process of awarding bids does not ensure the quality of the project and he feels that by adopting this system, it would benefit the outcome of State projects. A selection committee would review bids on a specific project and take into account all factors before awarding a contractor. This method would be an option for the Division of Public Works and used when deemed to be in the best interest of the project.

In response to committee questions, **Tim Mason** stated that because bid reviews would be specific for each job, they did not add a variation cap (such as the awarded bid being within 5 percent of the lowest bid) or specific weight for each factor. He explained that some factors may be more beneficial to one project than another and that he did not want to limit the selection committee from weighing factors as they deem appropriate for each project. The criteria and bid process will be transparent to all project bidders and he explained that the selection committee is made up of 5 members to promote fairness when awarding bids.

**MOTION:** **Rep. Higgins** moved to introduce **RS 19977**.

**Rep. Black** testified in favor of the motion stating that the best value is achieved when all factors are considered before awarding a job because the project quality is better which could potentially save more money down the road.

**SUBSTITUTE  
MOTION:**

**Rep. Crane** moved to return **RS 19977** to sponsor and in citing House Rule 38, **Rep. Crane** disclosed that he does bid on public work contracts. He believes that this legislation will increase the price of projects within the State and he voiced concerns regarding the manner in which bids are reviewed by the selection committee.

**Rep. Simpson** spoke in favor of the substitute motion explaining that when bids are submitted on federal jobs the process is less subjective because bidders know how all factors are weighed.

**Rep. Andrus** spoke in favor of the substitute motion stating that contracts can be drawn up to ensure the quality of work on a project and should not be left up to this process.

**Rep. Anderson** spoke against the substitute motion stating that this legislation needs to have a full debate.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Substitute Motion carried 10 AYE to 8 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Andrus, Luker, Palmer, Simpson, Guthrie, McGeachin, Sims, and Batt voted AYE. Representatives Anderson, Black, Bilbao, Henderson, Smith, King, Higgins, and Buckner-Webb voted NAY.**

**H 156:**

**Bill Roden**, representing Qwest, presented **H 156**. He explained that the Idaho Video Service Act establishes a streamlined statewide process that will enable providers of video service to receive a certificate of franchise authority to provide such service from the Idaho Secretary of State. He explained that there is no state law (only federal) that provides a method of obtaining franchises for provision of video services within the state. The franchise issued by the Secretary of State will authorize applicants to provide service network, subject to local control and regulation of the use and maintenance of such rights of way by the video service provider. He explained the Act provides for equality of treatment and technological neutrality between incumbent cable service providers and new video service providers. Incumbents have the same opportunity as new entries to apply and abide by the statewide franchise or to continue their current system. The Act continues the right of cities and counties to receive video franchise fees from incumbent and new video service providers, and continues the authority for cities and counties to receive the benefit of dedicated video channels for public, educational and governmental (PEG) use. He explained the working collaboration to write **H 156** and feels that this will better promote a competitive market in Idaho. He explained the terms of service area, standards, statewide certificates, and gross revenue that are all defined within this legislation.

In response to committee questions; **Bill Roden** stated that currently competitors are able to go county to county and negotiate contracts. To streamline the process and attract more competition would be to offer a statewide franchise with one state contract. He reiterated that new companies are required to pay the same franchise fees and provide PEG channels. He explained the mechanics of paying highway districts if providers disturb communities when accessing the public rights-of-way such as tearing up a road or sidewalk. The definition of gross revenue within this legislation agrees with most city definitions of gross revenue. He stated that the 5 percent franchise fee is based off those gross revenues. He explained what authority the local government and the Secretary of State are given within this legislation.

**Russ Young**, Cable One; **Pete Peterson**, **Alex McNish**, Treasure Valley Community TV; **Justin Ruen**, Association of Cities; and **Celynda Roach**, ILTA; testified against **H 156**. Points of concern included the possible cancellations of PEG channels, new competitors adhering to the same process as current providers had to go through, the current market is competitive and does not need to be fixed, dealing with individual counties provide a better relationship between the provider and customer, powers being shifted from local to state government, and inadequate safeguards to ensure that areas are not red lined (only providing service to the more lucrative part of a town).

**David Swindell**, representing the City of Pocatello, testified against **H 156** stating that the current system is working well and does not need to be changed. The rights-of-way are rented through franchise fees and he explained how much money those fees generate for his city and that it will cost Pocatello \$70,000 - \$80,000 per year if this legislation is enacted. This legislation defines revenues subject to the 5 percent franchise so as to exclude advertising and merchandise sales revenue and he explained that is part of the money generated by the video system utilizing the public rights-of-way.

In response to committee questions, **David Swindell** stated that the Pocatello franchise agreement has expired and that they are currently working in negotiations. Revenues for PEG channels come from a user fee of 30 cents per month and the system provider receives revenue from sales such as items purchased from the home shopping networks. He stated that the FCC is unclear about what extra fees can and cannot be imposed on customers. The funds collected are used to repair the street construction of rights-of-way connections. Any excess money is directed to the State's general fund. He explained the current successful working relationship with customers from providing service locally.

**Ron Williams**, Executive Director of the Idaho Cable Telecommunications Association (ICTA), testified against **H 156** stating that this legislation fails to comply with federal law. He explained that it creates a competitive advantage for new video service providers because it allows a new video provider to define its own service area, this legislation only requires a new video provider to offer video service to a single customer within the service area, and establishes a PEG channel for new video providers other than what municipalities currently offer.

In response to committee questions, **Ron Williams** stated that he worked for the ICTA when phone services were being provided. He explained that the Association was in compliance with federal law when it defined its own service areas (red lining). Federal law requires cable companies to offer service throughout a municipality and prohibits "red lining" or "cherry picking".

**Alex LaBeau**; Idaho Association of Commerce and Industry, **Skip Smyser**; AT&T, **Jim Schmitt**; Qwest, **Danish Ishaq**, **John Eaton**; Idaho Association of Realtors, **Pam Eaton**; Idaho Retailers Association, and **Eric Makrush**; Idaho Freedom Foundation, testified in favor of **H 156**. Points brought up included that this legislation will encourage new technology and economic growth within the State; avoid burdensome negotiating separate franchise agreements with over 200 cities and 44 counties; eliminates local authorities imposing additional fees on users; and brings choice and competition to Idahoans in cities and rural areas.

**Bill Roden**, representing Qwest, addressed concerns of "red lining". He stated that the language within this legislation allows for all complaints of discrimination be reported to the Attorney General's office. He reiterated that this bill provides consumer choice, provides PEG channels, and drives a competitive market in Idaho.

**MOTION:** **Rep. Crane** moved to send **H 156** to the floor with a **DO PASS** recommendation. He spoke to his motion stating that this legislation has potential to increase funding for cities and bring more companies and businesses to Idaho.

**SUBSTITUTE MOTION:** **Rep. King** moved to hold **H 156** in committee. She spoke to her motion stating that contracts and services need to be kept at a local level and not handled by the State as a whole.

**Rep. Andrus** spoke in support of the substitute motion because new providers are currently able to enter the market. He stated that this legislation takes away from local control and that he wants PEG channels to remain local.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Substitute motion passed 10 AYE to 9 NAY. Chairman Loertscher, Representatives Stevenson, Andrus, Luker, Guthrie, Sims, Smith, King, Higgins, and Buckner-Webb voted AYE. Vice Chairman Crane, Representatives Anderson, Black, Bilbao, Palmer, Simpson, Henderson, McGeachin, and Batt voted NAY.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 10:40 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Monday, February 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20488</u></a>	Changes Regarding the Catastrophic Health Care Cost Board	Tony Poinelli, Idaho Association of Counties
<a href="#"><u>RS20444</u></a>	Insurance Policy changes for Idaho State Public Employees	Rep. Thayn
<a href="#"><u>RS20449</u></a>	Idaho National Laboratory 60th Anniversary of Experimental Breeder Reactor I	Rep. Thompson
<a href="#"><u>RS20492</u></a>	Medical Loss Ratio Requirements	Jim Genetti, Idaho Association of Health Underwriters
<a href="#"><u>RS20468</u></a>	County-Based Renewable Energy	Rep. Stevenson
<a href="#"><u>RS20469</u></a>	Poultry Operations within the Idaho State Department of Agriculture	Rep. Stevenson
<a href="#"><u>RS20423</u></a>	Building Permits	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher

Vice Chair Crane

Rep Anderson

Rep Stevenson

Rep Black

Rep Andrus

Rep Bilbao

Rep Luker

Rep Palmer

Rep Simpson

Rep Guthrie

Rep Henderson

Rep McGeachin

Rep Sims

Rep Takasugi

Rep Smith(30)

Rep King

Rep Higgins

Rep Buckner-Webb

COMMITTEE SECRETARY

Camille Luna

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 28, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Dustin Hurst, Idaho Reporter; Ben Botkin, T-News; Ray Amaya, 670 AM KBOI; Toni Lawson, IHA; Benjamin Davenport, Risch Pisca; Bert Marley, IEA; Wally Butler, IFBF; Steve Ballard, IFBF; Tony Poinelli, IAC; Lynn Tominaea, IIPA; Jeremy Pisca, St. Alphonsus; Woody Rels, BX; Boly Uclselhe, Connolly & Smyser

**Chairman Loertscher** called the meeting to order at 8:30 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes from February 17 and 21, 2011. Motion carried on voice vote.

**RS 20488:** **Tony Poinelli**, representing the Idaho Association of Counties presented **RS 20488** explaining that this legislation makes changes to the Catastrophic Health Care Board (CAT). The changes include technical cleanup and updates, specifies that an individual requesting financial assistance needs to be a resident of the state, creates definitions of completed application and medical claim, clarifies that to be medically indigent you cannot have income from any source sufficient to pay for the medical services provided, clarifies reimbursement rates (85 percent of medical rate for 2 years), clarifies powers of the county commissioners and the CAT board, and clearly identifies the full process of the combined application and notice of lien.

In response to committee questions, **Tony Poinelli** stated that the Hospital Associations have some concerns regarding the reimbursements. The current reimbursement rates vary between counties and between Medicaid and Medicare depending on each case. He explained that the State receives approximately \$400,000 from the federal government to provide medical services to undocumented individuals. All applications are HIPPA compliant.

**MOTION:** **Rep. King** moved to introduce **RS 20488** with the change on page 16 line 20 deleting the word "county" and replacing it with "medical". **Motion carried on voice vote.**

**RS 20444:** **Rep. Thayn** presented **RS 20449** stating that the purpose of this resolution is to request that the Governor and the Department of Administration work with the necessary parties to create a high deductible health savings account insurance policy for State public employees. He explained that this will encourage employees to compare prices when seeking out medical attention. Other states have implemented similar legislation and, over time, has become the primary option for State employees.

In response to committee questions, **Rep. Thayn** stated that there is no fiscal impact to this legislation because it is only a resolution asking the Governor to come back with this option.

**MOTION:** **Rep. McGeachin** moved to introduce **RS 20444**; **motion carried on voice vote.**

**Chairman Loertscher** announced that without objection, **RS 20449** would be moved to the end of the agenda.



**RS 20492:** **Jim Genetti**, representing the Idaho Association of Health Underwriters, presented **RS 20492** stating that this memorial is being presented in response to the Federal Patient Protection and Affordable Care Act's Medical Loss Ratio (MLR) requirement. This requirement mandates that health care insurers must maintain a medical loss ratio that meets the requirement of at least 80 percent of individual and small group premiums and 85 percent of large group premiums must be used for the payment of claims and only 15 – 20 percent may be used for administrative expenses. He talked about the cutting of commissions within health insurance companies to comply with these MLR standards. He explained that few businesses can absorb these revenue reductions and that this needs to be changed. He stated that the Association hopes this memorial will send a strong message to Congress and to Health and Human Services that the Legislature of the State supports legislation that will remove agent compensation from the MLR calculation and allow producers to be paid without impacting the insurance companies to meet the Federal standard.

In response to committee questions, **Jim Genetti** stated that the commission rates vary from business to business but estimated that an agent would receive approximately 10 percent of revenues. He explained that the process in which an agency can make changes to the law requires information that is essentially impossible to compile and that all the states that have tried to get an exemption waiver on the MLR have been unsuccessful.

**MOTION:** **Rep. Black** moved to send **RS 20492** to the second reading calendar. He stated that these requirements should be specified in contracts and not in federal law.

**SUBSTITUTE MOTION:** **Rep. King** moved to return **RS 20492** to sponsor. She stated that the Affordable Care Act wants regulation over cost and commission within these companies. This regulation is needed to stop huge profit companies.

**AMENDED SUBSTITUTE MOTION:** **Rep. McGeachin** moved to introduce **RS 20492** with the recommendation it be referred to the House Business Committee. She spoke to her motion stating that this issue should have a full hearing.

**Rep. Simpson** spoke in favor of the amended substitute motion stating that this legislation has precedence because the request for an exemption is unobtainable.

**AMENDED SUBSTITUTE MOTION:** **Motion carried on voice vote. Rep. King** asked to be recorded as voting **NO**.

**RS 20468:** **Rep. Stevenson** presented **RS 20468** explaining that this legislation authorizes creation of a county-based renewable energy commerce authority. He explained that the local commerce authority shall not have taxing authority, and is designed to create, stimulate and advance commerce, economic development in the local jurisdiction. Any board of county commissioners may create or abolish the renewable energy commerce authority. He explained that a board of local authority commissioners will serve as the management team.

In response to committee questions, **Rep. Stevenson** stated that no tax money will be used for these projects but only revenue generated by renewable energy can be used. The boards of authority commissioners are not subject to elections but are required to have public hearings about projects.

**MOTION:** **Rep. King** moved to introduce **RS 20468**; **motion carried on voice vote. Representatives Sims**, and **Palmer** asked to be recorded as voting **NO**.

**RS 20469:** **Rep. Stevenson** presented **RS 20469** stating that this legislation came about because currently there is not a process in place for counties to issue a permit for poultry. This legislation places the responsibility and oversight of current and future poultry operations with the Idaho State Department of Agriculture. He explained that this legislation provides for the registration of current and future operations.

**MOTION:** **Rep. Andrus** moved to introduce **RS 20469** with the recommendation it be referred to the House Agriculture Affairs Committee. **Motion carried on voice vote.**

**RS 20423:** **Rep. Luker** presented **RS 20423** stating that this legislation deals with the issuance of buildings permits for the construction or additions to existing buildings. He explained that if a building is up to code when first constructed that it is furthermore grandfathered in under new policy or code. When building improvements, extensions, or alterations are constructed they run the risk of losing their grandfathered status. This legislation allows the construction to be covered under that status with the exception of substantial safety hazards.

**MOTION:** **Rep. Palmer** moved to introduce **RS 20423**; **motion carried on voice vote.**

**RS 20449:** **Rep. Thompson** presented **RS 20449** stating that the purpose of this House Concurrent Resolution is to congratulate the Idaho National Laboratory (INL) on the 60th anniversary of Experimental Breeder Reactor I, to celebrate the laboratory's nuclear achievements, to highlight construction of new Energy Systems Laboratory on the INL campus, to recognize the Department of Energy and its contractors for meeting waste cleanup milestones, and to congratulate Governor C.L. "Butch" Otter and other parties in signing a Memorandum of Agreement to allow the import and research of small quantities of used commercial nuclear fuel.

**MOTION:** **Rep. Batt** moved to send **RS 20449** to the second reading calendar.

Citing House Rule 38, **Rep. Simpson** stated that he works for the Idaho National Laboratory and that he will be voting on this legislation.

**MOTION:** **Motion carried on voice vote. Rep. Thompson** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:29 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
9:00 A.M.  
Room EW40  
Tuesday, March 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20490</u></a>	Repealing the 17th Amendment	Rep. Nielsen
<a href="#"><u>RS20505</u></a>	Idaho's Catastrophic Healthcare Cost Program: County's Responsibility per Claim	Rep. McGeachin
<a href="#"><u>H 187</u></a>	Freedom of Conscience for Health Care Professionals	Rep. Ellsworth

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 01, 2011

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** C.J. Petrovsky, AARP; Bob Aldridge; Bill Bonner; Maribeth Connell; Peg Munson, American Association of Retired Persons (AARP); Lynn Young, AARP; Barbara Blasch, AARP; Ray Amaya, KBOI; Tony Poinelli, Idaho Association of Counties; Cynthia York, Idaho Department of Health and Welfare; Jeremy Pisca, St. Alphonsus; Lincoln Smyser, Connolly & Smyser; Tony Smith, Benton Ellis

**Chairman Loertscher** called the meeting to order at 9:00 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes of February 22 and 23, 2011. **Motion carried on voice vote.**

**RS 20490:** **Rep. Nielsen** presented **RS 20490**. He briefly stated that this resolution requests Congress begin the process to repeal the 17th Amendment to the United State's Constitution. This amendment gives authority to voters to elect U.S. Senators rather than the members of the State Legislature appointing the position. He explained that the Legislature convenes to deal with local issues state wide and the U.S. Congress convenes to deal with state sovereignty and powers. He felt it would be more appropriate for the Legislature to appoint the position because they are representing the Legislature. This resolution also calls for a convention of several states to be held in Boise, Idaho, upon the Congress's failure of action regarding the call for the 17th Amendment repeal. He also stated that the Governor is in support of this legislation and he has worked with his office on the language.

In response to committee questions, **Rep. Nielsen** explained that the descriptive language written within this legislation refers to the unresponsive Congress. The provision to convene in Boise, Idaho, is an invitation to other states to come together and resolve these issues. He explained that no one from the Governor's office would testify today in support of the bill because this was simply a print hearing.

**ROLL CALL  
VOTE ON  
MOTION:** **Rep. McGeachin** moved to introduce **RS 20490**. **A roll call vote was requested on the motion. The motion failed 6 AYE to 13 NAY.** **Chairman Loertscher, Vice Chairman Crane, Representatives, Andrus, Palmer, and McGeachin** voted **AYE**. **Representatives Anderson, Stevenson, Black, Bilbao, Luker, Simpson, Guthrie, Henderson, Batt, Smith, King, Higgins, and Buckner-Webb** voted **NAY**.

**RS 20505:** **Rep. McGeachin** presented **RS 20505** stating that this proposed legislation increases by \$1,000 the deductible for a county's responsibility per claim, from \$11,000 to \$12,000, for services provided by Idaho's Catastrophic Healthcare Cost Program (CAT). She mentioned the other CAT fund legislation that has been introduced this session and how this proposal will be compatible with that legislation.

In response to committee questions, **Rep. McGeachin** stated that she has not informed the Association of Counties or the CAT Board but that this legislation is just a tool to take into consideration with corresponding legislation.

**MOTION:** **Rep. Luker** moved to introduce **RS 20505** stating that this would be a good discussion to have considering the current fiscal situation. **Motion carried on voice vote.**

**H 187:** **Rep. Ellsworth** presented **H 187** stating that this resolves a narrow conflict between the Freedom of Conscience for Health Care Professionals Act and the Medical Consent and Natural Death Act. She yielded her time to **Bob Aldridge** who drafted the Natural Death Act.

**Bob Aldridge** explained to the committee the conflict between the two acts and that this legislation simply makes more clear the responsibilities of the physician when dealing with the wishes of a patient. Any physician or other health care provider who for ethical or professional reasons is incapable or unwilling to conform to the desires of the patient may withdraw without incurring any civil or criminal liability provided the physician or other health care provider, before withdrawal of his or her participation, makes a good faith effort to assist the patient in obtaining the services of another physician or other health care provider who is willing to provide care for the patient in accordance with the patient's expressed or documented wishes. He stated that he is unaware of any case where a physician decided not to treat a patient and was not able to find another physician to offer that treatment.

In response to committee questions, **Bob Aldridge** explained the different methods in which a person can make known to a doctor their living will such as an online registry through the State. The language in this bill refers to physicians and not all medical health care professionals because doctors are the only people that have the authority to end life support. He mentioned that physicians are able to assign authority to assistants for the treatment and dosage of patients. He is not aware of the percentages of a patient having a "do not resuscitate" wish and objection by the family. He stated that those issues are discussed before it gets to that state and that doctors err on the side of caution.

**C.J. Petrovsky**, representing the American Association of Retired Persons (AARP), **William Bonner**, and **Lynn Young**, representing the AARP Council, testified against **H 187**. Concerns that were addressed included the placement of this legislation within a bill concerning abortion and other issues, patient's medical rights, and the availability of another physician to comply with wishes in such a stressful time.

**Rep. Ellsworth** explained that this legislation is not new rather this is taking text from the Natural Death Act and inserting it into the Conscience Law to add clarity. She reiterated that a physician is required to provide service until another complying physician is found.

**MOTION:** **Rep. Crane** moved to send **H 187** to the floor with a **DO PASS** recommendation.

**Rep. Bilbao** spoke in favor of the motion explaining a personal medical situation in which he was transported from his rural area to a hospital with the appropriate doctors and that it was in a timely manner. He feels that it is not an issue to find another physician in the case of one not being able to provide the service.

**Rep. King** testified against the motion stating that she has received correspondence from constituents regarding this legislation and they have concerns.

**Rep. Henderson** spoke in favor of the motion stating that he understands the process a physician goes through to make sure the wishes of a patient are satisfied.

**ROLL CALL VOTE ON MOTION:** **Motion passed 14 AYE to 5 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted AYE. Representatives Anderson, Smith, King, Higgins, and Buckner-Webb voted NAY.**

**ADJOURN:**      There being no further business before the committee; the meeting was adjourned at 10:38 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Wednesday, March 02, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 189</a>	Eminent Domain	Rep. Bedke
<a href="#">RS20494</a>	High Occupancy Vehicle Lanes	Rep. King

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Camille Luna  
Room: EW46  
Phone: (208) 332-1145  
email: [cluna@house.idaho.gov](mailto:cluna@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 02, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** C.J. Petrovsky, Bob Aldridge, Bill Bonner, Maribeth Connell, Peg Munson, Lynn Young, and Barbara Blasch, AARP; Ray Amaya, KBOI; Tony Poinelli, IAC; Cynthia York, IDHW; Jeremy Pisca, St. Alphonsus; Lincoln Smyser, Connolly & Smyser; Tony Smith, Benton Ellis

**Vice Chairman Crane** called the meeting to order at 8:00 A.M.

**H 189:** **Rep. Bedke** presented **H 189**. He explained that this legislation ensures that when and if the powers of eminent domain are used for the condemnation of private property, that such action directly serves the interest of Idaho residents. Property in one state cannot be condemned for the sole purpose of serving a public use in another state. This regulation applies to an entity not including a public utility, cooperative, or municipality, exercising the right of eminent domain. He referred to the definitions of a public utility, cooperative, and municipality as found in Idaho Code. He explained the intent of the word "directly" within this legislation and how that could be debated in a court case.

In response to committee questions, **Rep. Bedke** stated that the intentions of this legislation are clear and do not limit these powers by having too tight of language. A court would look at all aspects of a case to determine if eminent domain was directly benefitting Idahoans. He explained that this legislation was originated regarding issues with transmission lines in Idaho supplying power outside the state.

**Kent Lauer**, representing Idaho Farm Bureau, testified **in favor of H 189** stating that the powers of eminent domain should be restricted to those benefiting the residents of Idaho. He feels this legislation is common sense because the State should not grant these powers to entities serving outside the State.

**Luke Papez**, representing the Great Basin Transmission (GBT), testified **in opposition to H 189**. He stated that the GBT has reviewed this proposal and believes that it would burden their Southwest Intertie Project (SWIP) in a way that is not consistent with the intent of **H 189**. He stated that it would unfairly burden the SWIP and potential utility projects which are not as advanced, put at risk the ability to support economic development in Idaho through reliability and capacity improvements to the grids, and discourage independent renewable energy or traditional electric generation projects from location in Idaho. He referred to the Idaho 1911 case of Washington Water Power Co. v. Waters as an example of possible language changes for **H 189** such as "will serve the citizens" to replace "directly serves the interests of the residents". He stated that with this change the GBT will avoid unintended consequences.



In response to committee questions, **Luke Papez** stated that the GBT has never had to invoke the powers of eminent domain but they need that power to protect the investments of current and future projects. He explained different aspects of the SWIP that would show a direct benefit to Idaho but still feels the GBT needs that tool for negotiating purposes.

**Ron Williams**, representing the Great Basic Transmission (GBT), testified **in opposition to H 189**. He mentioned the Washington Water Power Co v. Waters explaining that this case already states that eminent domain within one state cannot be used to solely serve another state. He feels that the language from this case should be used within this legislation because current standards are well served.

In response to committee questions, **Ron Williams** stated that the clients he represents are not, nor do they plan on, using eminent domain to provide services for another state. He stated that he has concerns with the Attorney General's opinion letter not referring to court cases that have been held regarding issues of eminent domain.

**Rep. Bedke** stated that the Great Basin Transmission has a great track record of minimizing the use of eminent domain of personal property. He stated that it is not the intention of this legislation to hinder the work of these projects and he feels that this will not interfere with their work if they are benefiting Idahoans. He explained that this legislation addresses important policy questions regarding the circumstances in which eminent domain can be used. He stated that it is time to better clarify and refresh the law.

In response to committee questions, **Rep. Bedke** explained the process in which an entity can resist eminent domain and have the issue resolved between the parties or reviewed in court.

**MOTION:** **Rep. Luker** moved to **HOLD H 189** in committee for time certain subject to the call of the Chair. He spoke to his motion stating that he would like more clarification from the Attorney General regarding these issues.

**SUBSTITUTE MOTION:** **Rep. Anderson** moved to **HOLD H 189** in committee. He spoke to his motion stating that the language within this legislation could be interpreted as the public utilities, cooperatives, and municipalities being excluded from the requirement of eminent domain benefitting Idaho.

**SUBSTITUTE MOTION:** **Substitute motion failed on voice vote.**

**ORIGINAL MOTION:** **Motion carried on voice vote.**

**RS 20494:** **Rep. King** presented **RS 20494** stating that this proposed legislation removes language that restricts High Occupancy Vehicle (HOV) lanes to be built in counties of 25,000 or less. This will allow the Idaho Transportation Department to build High Occupancy Vehicle lanes wherever and when appropriate. She explained that this legislation had been introduced in the House Transportation Committee earlier in the session and upon the Committee's request she deleted the limits for smaller counties to be able to have HOV lanes.

In response to committee questions, **Rep. King** stated that High Occupancy Vehicle (HOV) lanes are not newly constructed lanes rather they are currently existing lanes that are used solely for the purpose of eliminating traffic by moving more people in less cars. She reiterated that this legislation gives the Transportation Department the tool of implementing HOV lanes if they so desire.

**MOTION:** **Rep. Black** moved to introduce **RS 20494**.

**SUBSTITUTE  
MOTION:**

**Rep. Palmer** made a substitute motion to return **RS 20494** to sponsor.

**Rep. Andrus** spoke in favor of the original motion stating that this legislation does not mandate the Transportation Department to form these lanes but simply gives them the tools to do so.

**Rep. Higgins** spoke in favor of the original motion explaining that she has used HOV lanes and finds them beneficial. She stated that this is only an option for the Transportation Department.

**SUBSTITUTE  
MOTION:**

**Substitute motion failed on voice vote.**

**ORIGINAL  
MOTION:**

**Motion carried on voice vote. Chairman Loertscher, Vice Chairman Crane, Representatives Sims, Batt, Simpson, Palmer, and Bilbao** asked to be recorded as voting **NAY**.

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 9:40 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, March 03, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20513</u></a>	The Idaho Drug Court Process	Patti Tobias, Administrative Director of the Courts
<a href="#"><u>RS20495</u></a>	Terms of Probation	Patti Tobias, Administrative Director of the Courts
<a href="#"><u>RS20497</u></a>	DUI Offenses	Patti Tobias, Administrative Director of the Courts
<a href="#"><u>RS20491</u></a>	Planning and Zoning: Members Location of Residence	Teresa Baker, Ada County Prosecuting Attorney's Office
<a href="#"><u>RS20493C1</u></a>	Amending Local Land Use Planning Act	Teresa Baker, Ada County Prosecuting Attorney's Office
<a href="#"><u>RS20499</u></a>	Possession of Firearms on College and University Campuses	Rep. Simpson
<a href="#"><u>H 177</u></a>	Community College Subdistricts	Rep. Henderson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 03, 2011

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Stan Bastian, College of Western Idaho (CWI); Guy Hurlbutt, CWI; John Martin, North Idaho College; Matthew Malek, Risch-Pisca PLLC; Parrish Miller; David DiDanata; Roger Batt, Idaho Eastern Oregon Seed Association; Teresa Baicer, Ada County; Patti Tobias, Idaho Courts; Teresa Molitor, North Idaho College

**Chairman Loertscher** called the meeting to order at 9:00 A.M.

**RS 20513:** **Patti Tobias**, Administrative Director of the Courts, presented **RS 20513** explaining the operations of the Idaho Drug Court and Mental Health Court Act. This proposed legislation would allow the admission of persons charged with or convicted of a crime of violence to the Idaho drug court after consultation with the drug court team and with consent of the prosecuting attorney. She explained that this legislation will be focused on the special needs of returning veterans that suffer from Post Traumatic Stress Syndrome.

**MOTION:** **Rep. Smith** moved to introduce **RS 20513** with the recommendation that it be referred to the House Judiciary and Rules Committee. **Motion carried on voice vote.**

**RS 20495:** **Patti Tobias**, Administrative Director of the Courts, presented **RS 20495** explaining that this proposed legislation would modify the classification of cases in which courts may exercise their discretion to set aside convictions or reduce felony convictions to misdemeanors. She explained that if, during the period of probation, there are no offenses, the conviction can be reduced.

In response to committee questions, **Ms. Tobias** explained that if a defendant had no issues during their probationary period then they could go to the courts and request the charge be lessened. If an individual desired to lessen the conviction status before the probation term was served then the probation officer could request the courts to shorten the term. This would allow the probation time to be completed and the individual could then seek a reduction of the conviction.

**MOTION:** **Rep. Luker** moved to introduce **RS 20495** with the recommendation it be referred to the House Judiciary and Rules Committee. **Motion carried on voice vote.**

**RS 20497:** **Patti Tobias**, Administrative Director of the Courts, presented **RS 20497** explaining the current driving privileges under a suspended license due to a DUI. This proposed legislation would permit judges to use their discretion to restrict driving privileges.

**MOTION:** **Rep. Luker** moved to introduce **RS 20497** with the recommendation it be referred to the House Judiciary and Rules Committee. **Motion carried on voice vote.**

**RS 20491:** **Teresa Baker**, Ada County Prosecuting Attorney's Office, presented **RS 20491**. The purpose of this proposed legislation is to amend the requirement that one half of the members of a county Planning and Zoning Commission reside outside of areas of city impact within a county. She explained the difficulty counties have finding members that live outside the area of impact to serve on the commissions. This legislation will allow for not more than one third of the members of the county Planning and Zoning Commission to reside outside an incorporated city but inside an area of city impact. She explained the definition of area of impact as defined within this legislation.

In response to committee questions, **Ms. Baker** stated that both changes to the area of impact as well as the percentage of board members living outside the area of impact were done to avoid having to rewrite the entire section. She explained that the provision to cope with the challenge of finding members outside the area of impact (that being the flexibility the Commission has to change membership from 3 to 12 members) is impractical in cities with larger populations because the Commission is responsible for a large amount of work.

**MOTION:** **Rep. Batt** moved to return **RS 20491** to sponsor. She spoke to her motion explaining that this legislation takes away rural representation. She stated that the change to one third members living outside the area of impact is unnecessary because of the change to the area of impact.

**SUBSTITUTE MOTION:** **Rep. Guthrie** moved to introduce **RS 20491**. He spoke to his motion stating that he has been a County Commissioner and understands the difficulty of finding members in rural areas.

**Rep. King** spoke in favor of the substitute motion stating that this will help the counties.

**Rep. Crane** spoke in favor of the original motion stating that if a commission is having a hard time finding half of the members outside of the area of impact then they are able to lower the number of members on the board, thus lowering the membership required to live outside the area of impact.

**Rep. Loertscher** inquired about the "not more than one-third..." language that is being added within this legislation asking if the number of commissioners living outside the area of impact could be zero. **Ms. Baker** stated that was correct.

**SUBSTITUTE MOTION:** **Substitute motion carried on voice vote.** **Vice Chairman Crane, Representatives Sims, Batt, Luker, Simpson, Palmer, and Andrus** asked to be recorded as voting **NAY**.

**RS 20493C1:** **Teresa Baker**, Ada County Prosecuting Attorney's Office, presented **RS 20493C1** stating that the purpose of this proposed legislation is to amend the Local Land Use Planning Act so that it conforms to the practice that many counties had prior to a change that was made to the Act during the 2010 Legislative session.

**MOTION:** **Rep. Black** moved to introduce **RS 20493C1** with the recommendation it be sent to the House Local Government Committee. **Motion carried on voice vote.**

**RS 20499:** **Rep. Simpson** presented **RS 20499** stating that this proposed legislation clarifies the authority the Board of Regents of the University of Idaho, the Board of Trustees of the state colleges and universities have regarding firearms. He explained that currently the Boards have taken the language within current statute and have banned firearms from all campuses. He stated that there is little enforcement behind these policies, and he feels it is wrong for concealed weapon owners to be required to surrender firearms when going on campus.

In response to committee questions, **Rep. Simpson** explained that there are violent crimes on campuses and those that commit those crimes do not respect current weapon laws. He stated that he does not have the information regarding accidental shootings and that he has not contacted the universities or colleges.

**MOTION:**

**Rep. Palmer** moved to introduce **RS 20499**. **Motion carried on voice vote.** **Representatives King, Higgins,** and **Buckner-Webb** asked to be recorded as voting **NAY**.

**H 177:**

**Rep. Henderson** presented **H 177** stating that this legislation assures district-wide representation on the five-member Board of Trustees that govern each county college. These boards approve the budget and determine its annual levy of property taxes. Rural areas perceive that they are not represented regarding the levy taxes because members of the Board of Trustees are elected at large. This legislation will require the creation of five sub-districts within the taxable area in which each college board trustee or candidate for election as a trustee must have his/her principle place of residence. He explained that the need to assure district-wide representation started to become an issue when North Idaho College levied its \$2.4 million foregone tax and also increased its property tax levy to the maximum of 3%. He explained that in the election last November Jerome County lost its previous representation on the Board of Trustees. He explained that all the trustees representing the College of Southern Idaho now live in the metropolitan area of Twin Falls. He explained similar situations statewide and the support from community colleges state-wide for **H 177**.

In response to committee questions, **Rep. Henderson** stated that in order for redistricting to happen because of expansion, an election would have to take place and the redistricting would be done with information from the most current United States Census. The current members on boards would serve out their term and this would apply to newly elected boards. The Board of Trustees would be responsible for redistricting the sub-districts. He explained that two trustees may come from a municipal zone and the reside from within the remaining district. Population has to be equal between sub-districts within 10% and that sub-districts not be constructed by city or county limits but by population.

**Sen. Brackett** spoke in **favor of H 177**. He explained his county's current situation and the lack of representation in rural areas and felt that this needs to be changed. This legislation allows for flexibility regarding municipal districts, provides control and fairness regarding population sub-districts, and allows for current elected trustees to finish the term.

In response to committee questions, **Sen. Brackett** stated that some expenses for the county clerks to certify these sub-districts could accumulate, but this would be considered more of a chore in conducting elections than an expense.

**Rep. Hartgen** spoke in **opposition of H 177** walking the Committee through the Twin Falls County results for the general election held last November. He explained the incumbent trustee members and the opponents running against the current trustee. Three candidates from Jerome County and one candidate running from Twin Falls Country were running for Position One of the Board of Trustees. He stated that the concern of rural representation did not become an issue until after this election, and he believes that **H 177** is an effort to overturn an election after the close race, The candidate from Twin Falls County won the election. He explained where each candidate lived within the counties, which are considered rural, and how this election was fair. He explained if this legislation becomes law, the current members of the Board will be forced to step down after only one term and that at least three seats will be turned over because of the redistricting. He stated that the current system is fair and should not be replaced with **H 177**.

In response to committee questions, **Rep. Hartgen** stated that the election was competitive because prior to the race concerns were made known regarding the management of the College of Southern Idaho (CSI). He stated that he is not sure where the President of the CSI stands on this legislation today but does know that at one point he said he could not support this legislation. He explained that taxes levied by the Board are the same across the entire district.

**Stan Bastian**, representing College of Western Idaho, spoke in **opposition to H 177**. He stated that there is no reference to population count within this legislation but only mentions the U.S. Census information for redistricting. He expressed concerns regarding who would perform the redistricting between counties within a district. He feels this system is not as beneficial as the current system and that aspects within this legislation need to be better clarified.

In response to committee questions, **Stan Bastian** stated that there are no educational requirements to be a trustee member, much like the qualifications to be a State Representative. He stated that CWI would not be opposed to supplying a sunshine report if the legislation was written more clearly.

**Guy Hurlbutt**, representing College of Western Idaho, spoke in **opposition to H 177**. He explained representation of the districts stating that it does not matter where you live within the district because you take an oath to represent the district at large. He stated concerns which included what county would be responsible for the redistricting, counties joining the district (which generates more tax money for the college) within the ten year redistricting period, large cities receiving more representation than rural because higher populations allow the representation of two trustees, districts growing within the ten years and not abiding by population percentages, and the lack of growth opportunity because of these regulations.

In response to committee questions, **Guy Hurlbutt** stated that it is not enticing for counties to join a district and pay taxes into that district without being able to put up representation until the redistricting happens which could be ten years.

**John Martin**, Vice President for Community Relations and Marketing at North Idaho College, spoke in **opposition to H 177**. He stated that the current district representation is fair and that no district members have voiced concerns regarding these issues. He spoke on behalf of **Mic Armon**, Chair of the NIC Board of Trustees, stating that they are opposed to this legislation. The programs and services of community colleges are available throughout the district equally for all residents and taxpayers. He expressed concerns regarding the fiscal note, the responsibilities directed to the county clerks, and trustees constructing and manipulating sub-districts.

**Rep. Henderson** addressed the concern involving which county performs the sub-districting stating that the home county (where the college has its "home" address) is responsible for the redistricting. He reiterated the benefits of offering district-wide equal representation and the strength that variety that will give the Board of Trustees.

**MOTION:**

**Rep. Stevenson** moved to send **H 177** to the floor with a **DO PASS** recommendation. He spoke to his motion stating that this legislation deals with offering representation to people that are paying taxes into a community college county district.

**Rep. Andrus** spoke in support of the motion stating that a candidate representing a county may not be able to win the seat within the district as a whole.

**SUBSTITUTE  
MOTION:**

**Rep. Higgins** moved to **HOLD H 177** in committee. She spoke to her motion stating that this legislation creates more problems than it solves. She explained that the current system allows for a more competitive election because she may not support the person running within her sub-district.

**Rep. Luker** spoke in favor of the substitute motion stating that the current system is fair and the community colleges are against this legislation.

**Rep. Sims** spoke in favor of the original motion stating the differences between how a city and a rural area would deal with these college issues.

**Rep. Batt** spoke in favor of the original motion stating that this legislation could bring a different perspective to the Board with the trustees elected from the rural subdistricts.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**A roll call vote was requested on the substitute motion to HOLD H 177 in Committee. The substitute motion passed 10 AYE to 8 NAY. Chairman Loertscher, Representatives Anderson, Black, Luker, Palmer, Simpson, Guthrie, King, Higgins, and Buckner-Webb voted AYE. Vice Chairman Crane, Representatives Stevenson, Andrus, Bilbao, Henderson, Sims, Batt, and Smith voted NAY.**

**ADJOURNED:** There being no further business before the committee; the meeting was adjourned at 11:25 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary



**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:30 A.M.**  
**Room EW40**  
**Monday, March 07, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>SJM 102</u></a>	Regarding the Madison Amendment	Sen. McKenzie
<a href="#"><u>RS20524C1</u></a>	State Controller Access of Records	Dan Goicoechea, Chief Deputy Controller
<a href="#"><u>RS20550</u></a>	Idaho Criminal Gang Enforcement Act	Rep. Wills
<a href="#"><u>RS20442C1</u></a>	Sex Offender Notification Requirements	Rep. Simpson
<a href="#"><u>RS20543C2</u></a>	Workers' Compensation Law	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 07, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Roger Batt, Idaho Grape Growers & Wine Producers; Dan Goicoechea, State Controller; Rita Foltman, State Controller; Brandon Woolf, State Controller; Brian Benjamin, Attorney General; David High, State Controller

**Chairman Loertscher** called the meeting to order at 8:30 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes of February 24 and 28, 2011. **Motion carried on voice vote.**

**SJM 102:** **Sen. McKenzie** presented **SJM 102**. He explained the history of this legislation and the powers of the federal and state governments. This resolution urges Congress to adopt the Madison Amendment which gives states the power to safely propose an individual Amendment to the U.S. Constitution without the risk of a runaway convention.

**MOTION:** **Rep. Anderson** moved to send **SJM 102** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Anderson** will sponsor the resolution on the floor.

**RS 20524C1:** **Dan Goicoechea**, representing the State Controllers Office, presented **RS 20524C1**. The purpose of this proposed legislation is to allow the State Controller access to records currently exempt from public record disclosure in the course of conducting the duties of the State Social Security Administrator. He explained the current auditing process of the State Controller and the need to access this information. The emergency clause is necessary within this legislation to avoid potential liability of the State.

**MOTION:** **Rep. King** moved to introduce **RS 20524C1**; **motion carried on voice vote.**

**RS 20550:** **Rep. Wills** presented **RS 20550** stating that this legislation deals with the Idaho Criminal Gang Enforcement Act. He introduced **Timothy Higgins**, representing the Idaho Department of Correction, to further present **RS 20550**. The purpose of this proposed legislation is to add crimes and increase the enhancement of penalties for gang-related activities.

In response to committee questions, **Timothy Higgins** stated that the reference to injuring jails refers to gang crimes and penalties within state jails.

**MOTION:** **Rep. Smith** moved to introduce **RS 20550**; **motion carried on voice vote.**

**RS 20442C1:** **Rep. Simpson** presented **RS 20442C1** explaining the current law regarding under what circumstances a sex offender can go onto school grounds. This proposed legislation will require registered sex offenders to notify school districts in advance of their first visit and annually if the sex offender has a need to be on school grounds or other property used by the school district to pick up their child, attend an event with their child, or be on the school grounds for the purpose of making a delivery.

**MOTION:** **Rep. Luker** moved to introduce **RS 20442**. **Motion carried on voice vote.**

**RS 20543C2:** **Rep. Luker** presented **RS 20543C2** stating that this proposed legislation makes changes to the Workers' Compensation Law. Currently a notice of injury and claim for compensation shall be given to the employer up to 60 days after the accident. In regards to voluntary compensation payments, this legislation makes the voluntary payment exception consistent for both "notice" and "claim" requirements.

**MOTION:** **Rep. Simpson** moved to introduce **RS 20543C2** with the change on page 1 line 22 adding the words "requesting a hearing" after the word "application". **Motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:06 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Tuesday, March 08, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>HCR 20</u></a>	Insurance Policy Options for State Public Employees	Rep. Thayn
<a href="#"><u>RS20548</u></a>	Leasing of Water	Rep. Stevenson
<a href="#"><u>RS20558</u></a>	Eminent Domain	Rep. Guthrie

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
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Phone: (208) 332-1145  
email: [cluna@house.idaho.gov](mailto:cluna@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 08, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative(s) Simpson

**GUESTS:** M. Alex Neiworth, Idaho Association of Government Employees; Kent Lauer, Idaho Farm Bureau; Lynn Tominaga, Idaho Water Policy Group, Inc.

**Chairman Loertscher** called the meeting to order at 8:00 A.M.

**HCR 20:** **Rep. Thayn** presented **HCR 20** explaining the benefits of health care insurance options for state employees. This resolution states findings of the Legislature and requests the Governor and the Department of Administration to work with the necessary parties to create a high deductible health savings account insurance policy for state public employees with specified basic characteristics. He mentioned that other states have implemented similar legislation and explained the financial benefits to those states because of this option. He explained that this legislation lists seven points for the Governor to include within this preferred health care option.

In response to committee questions, **Rep. Thayn** stated that the State currently has a high deductible plan. This legislation will make state employees more aware of the option and including the seven points, would make this option preferable.

**Alex Neiworth**, representing the Idaho Association of Government Employees, testified in opposition of **HCR 20**. He stated that high deductible plans do not work for everyone and patients tend to postpone getting health care when having this option which can lead to serious illness. He mentioned other states that have similar options and feels that this should not be the preferred option for Idaho.

**Rep. Thayn** explained that this legislation is written to allow flexibility regarding the deductible of this option. He reiterated the benefits of patients actively seeking lower medical care cost because this will drive the overall cost of health care down.

In response to committee questions, **Rep. Thayn** explained that this legislation does not include the intent of option holders seeking lower medical cost because this resolution simply asks the Governor to provide a plan with the seven points defined within **HCR 20**. The \$10,000 deductible is flexible and is a yearly deductible.

**MOTION:** **Rep. Luker** moved to send **HCR 20** to the floor with a **DO PASS** recommendation. He spoke to his motion stating that this legislation is a step forward in changing the current health care system. This legislation allows the Governor and state employees to have another product option for health care.

**Motion carried on voice vote. Rep. Thayn** will sponsor the bill on the floor.

**RS 20548:** **Rep. Stevenson** presented **RS 20548** explaining that this legislation clarifies the relationship between water leasing provisions and the water supply bank and rental pool statutes. He explained the current conflict and how this legislation will resolve the issue. This will authorize the Director of the Department of Water Resources to ensure that proposed rentals or leases of water for hydroelectric generation purposes will be evaluated by the Director under the same standards and requirements applicable to rentals out of the water supply bank and local rental pools.

**MOTION:** **Rep. Batt** moved to introduce **RS 20548**; **motion carried on voice vote.**

**RS 20558:** **Rep. Guthrie** presented **RS 20558** stating that this deals with changes to **H 192**, which was introduced earlier this session. This proposed legislation places additional limitations on the use of eminent domain so it will not be used for limited transportation corridors that are not critical to the greater public good. He explained that this legislation better clarifies transportation corridors.

**MOTION:** **Rep. Andrus** moved to introduce **RS 20558**; **motion carried on voice vote.**

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 8:34 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Wednesday, March 09, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>H 222</u></a>	Firearms on College and University Campuses	Rep. Simpson
<a href="#"><u>RS20521</u></a>	State's Medicaid Program: Taxpayer Funded Abortions	Rep. McGeachin
<a href="#"><u>SCR 104</u></a>	Clearwater County Centennial Anniversary	Sen. Nuxoll

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 09, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Jon Uda, Boise State; Tony Plott, Boise Police Dept.; Chief Michael Mastersun, Boise Police Dept.; Captain Randy Roper, Boise Police; Frank Zerg, Boise State; Kevin Satterlee, Boise State; Bruce Newcomb, Boise State; Mark Browning, St. Board of Education; Marty Peterson, U of I; Ross Knight, ASISU; Stan Bastian, College of Western Idaho; Al Baker, Students for Concealed Carry; Don Lazzarini, U of I Violence Prevention Staff; Matt Dogali, National Rifle Assc.; Mark Goddard; Matt Malek, Risch-Pisca PLLC

**Chairman Loertscher** called the meeting to order at 8:03 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes of March 1 and 2, 2011. **Motion carried on voice vote.**

**Chairman Loertscher** stated that without objection, **RS 20521** would be moved to the top of the agenda.

**RS 20521:** **Rep. McGeachin** presented **RS 20521** explaining the history behind this legislation. She stated that this resolution closes an unnecessary loophole in the rules governing taxpayer funded abortions under the State's Medicaid program. She explained that in the middle of a Medicaid overhaul during a past session there was an unintended change regarding tax payer funded abortions. This resolution clarifies that women under the age of 18 that have fallen victim to rape or incest can obtain an abortion paid for by Medicaid.

In response to committee questions, **Rep. McGeachin** stated that a criterion must be met such as, a court documentation or physician documentation of the assault, in order for a minor to have an abortion paid by tax money

**MOTION:** **Rep. Bilbao** moved to introduce **RS 20521** and send to the second reading calendar. **Motion carried on voice vote. Rep. King** asked to be recorded as voting **NAY**.

**H 222:** **Rep. Simpson** presented **H 222** stating that this legislation clarifies the authority the Idaho Universities and Colleges have regarding firearms on school campuses. He explained that the right to keep and bear arms is guaranteed by the Idaho State Constitution and Second Amendment of the U.S. Constitution. The Idaho Legislature passes laws regarding who and where its permits holders may carry firearms. He explained that through policy, all higher learning institutions have firearm bans, even for concealed weapons permit holders. Little is done by the institutions to enforce these policies and despite their efforts, violent crimes still occur. He explained the current laws regulating rights of firearms such as not being able to carry a firearm when intoxicated and how this would still apply to students. This legislation would allow concealed weapons permit holders to carry concealed firearms on campus with the exception of undergraduate student housing. He explained that firearms would be allowed in graduate housing because of the higher average age of tenants and because this is most likely their primary place of living. He reiterated that



this legislation extends the State's current concealed weapons permit privileges to Idaho's public colleges and universities. Students with concealed weapons permits are responsible for protecting their own safety both on and off campuses.

In response to committee questions, **Rep. Simpson** stated that this is an issue brought to him by constituents who would like to see this changed. Idahoans are around people every day that legally carry a concealed weapon. He explained what factors are considered regarding a safety grade rating for college and university campuses and surrounding locations. Current law requires permit holders to act responsibly or they could potentially lose their permit. He explained that this legislation would not allow concealed weapons permit holders to carry their weapon onto k-12 school campuses.

**John Uda**, representing Boise State University (BSU), **Tony Plot**, representing Boise Police Department, **Kevin Satterlee**, representing Boise State University, and **Marty Peterson**, representing the University of Idaho, **testified in opposition of H 222**. Points of concern included lessened campus safety because of a higher volume of gun holders on campus; currently shootings on campus being a minor problem; the city police involvement of everyday conflicts on campus because an individual is carrying a concealed weapon; and the success of current security operations at these institutions.

In response to committee questions, **John Uda**, representing Boise State University stated that it is not posted around the BSU campus that weapons are not permitted because he believes this to be common knowledge. Off-duty officers can carry a weapon onto campuses but not reserve officers. He explained the process of visually checking individuals for weapons at sporting and concert events hosted by BSU.

**Al Baker**, representing Students for Concealed Carry, **Don Lazzarini**, representing self, and **Matthew Dogali**, representing the National Rifle Association **testified in support of H 222**. Some comments in support included the lack of safety on college campuses; college security not being armed; stripping responsible concealed weapons permit holders of their right to bear arms; lack of enforcement behind institute policies; and concerns regarding police response times for emergencies on campus.

In response to committee questions, **Al Baker** stated that guns will remain restricted from undergraduate dorms because the average age of students living within these dorms are younger than the required age to obtain a concealed weapons permit.

**Chairman Loertscher** stated that without objection, testimony on **H 222** would continue on March 10, 2011.

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 9:37 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**7:45 A.M.**  
**Room EW40**  
**Thursday, March 10, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>SCR 104</u></a>	Clearwater County Centennial Anniversary	Sen. Nuxoll
<a href="#"><u>RS20498C1</u></a>	Free Market Alternative Monetary System	Allen Hacker, representing Idaho Sound Money Task Force
<a href="#"><u>H 222</u></a>	Continued Testimony: Firearms on College and University Campuses	Rep. Simpson
<a href="#"><u>H 191</u></a>	Pari-Mutuel Betting	Stan Boyd, representing Idaho Quarter Horse Association

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 10, 2011

**TIME:** 7:45 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 7:50 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 3, 2011. **Motion carried on voice vote.**

**MOTION:** **Rep. Batt** moved to approve the minutes of March 7 and 8, 2011 with the change to March 8 on page 1 under the listed guest, the last name of "Tominaca" to "Tominaga". **Motion carried on voice vote.**

**SCR 104:** **Sen. Nuxoll** presented **SCR 104** explaining the history of Clearwater County. This resolution commemorates the founding of Clearwater County one hundred years ago on February 27, 1911.

**MOTION:** **Rep. King** moved to send **SCR 104** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Schaefer** will sponsor the bill on the floor.

**RS 20498C1:** **Allen Hacker**, Idaho Sound Money Task Force, introduced **Tom Dillin**, Chairman of Legislative District 1 Republican Central Committee, to present **RS 20498C1**. He explained the current financial crisis in Idaho and nationwide because of the Federal Reserve System's control over the U.S. Dollar. The intent of this legislation is to authorize the establishment in Idaho of a free market alternative monetary system using gold and silver. This bill will reconcile legal tender laws, tax codes, and banking regulations that prevent the use of lawful gold and silver currency.

**Vice Chairman Crane** stated that due to the lack of a motion, **RS 20498C1** will be returned to sponsor.

**H 222:** In continuation of testimony on from March 8, 2011; **Matthew Dogali**, National Rifle Association; **Parrish Miller**, representing self; **Charlotte Twight**, Professor at Boise State University (BSU) representing self; **Joel Teuber**, Fraternal Order of Police; **Eric Makrush**, Idaho Freedom Foundation; **Richard Twight**, representing self; **Rep. Hagedorn**, co-sponsor of **H 222**, and **Jonathan Soler**, BSU alumni and war veteran testified in **support of H 222**. Points of support included Second Amendment right to bear arms; locations that concealed weapon permit holders are not able to take their weapon into are secured with armed security except for college and university campuses; not having armed security to protect the students or staff of the institutions when walking to their car late at night; predators target people on campuses because they know they are defenseless; restriction of firearms on campuses are school policies which do not apply to the general public; the success of similar legislation around the country; concerns regarding police response times; and that responsible citizens are the ones that currently have and maintain a concealed weapons permit.

**Gerald Beck**, President of the College of Southern Idaho; **Chief Mike Masterson**, Boise Police Department; **Emily Walton**, BSU student; **Macy Lebinka**, representing self; and **Kent Kunz**, Idaho State University **testified in opposition of H 222**. Points of concern included guns on campus around risky college activities such as drinking; no issues with current policies; and security on college campuses are adequate.

**Marty Peterson**, University of Idaho, spoke in **opposition to H 222**. He explained the current safety measures at the University and how the most recent crimes committed would not apply to this legislation. He stated that security on campus is unarmed and he is not sure how long it would take the police to respond to a gunman on campus.

**Mark Browning**, State Board of Education, in **opposition to H 222** stating that this legislation takes local control away from the institutions. The power is given to the local Boards because they are on the front lines and know how to better deal with issues on campus. He stated that he does not know of any campus security guards that are armed, and he also stated that he does not want to make the assumption that students know that the campus security is unarmed. Since 2009 there have been two firearm policy incidents.

**Mark Goddard**, student at the University of Idaho, spoke in **opposition to H 222**. He stated that the authority should remain with local college Boards and he explained situations when a gun might increase danger relating to common college situations. He stated that he understands it is currently illegal to carry a gun when drinking. He believes college security should be armed, but he is not concerned that they currently are not.

**Bruce Newcomb**, Boise State University, spoke in **opposition to H 222**. He feels that this legislation is fixing a non-problem with a solution that creates problems. Boise police are present on campus at all times and they are armed. He explained the extensive procedures that would have to be put in place if this legislation passed. Roads that run through campus are not run by BSU. If a student is driving with a weapon in their car and is pulled over by a police officer on these roads, they are not held liable for the gun if they have a weapons permit. .

**Rep. Simpson** explained the false sense of security the current system gives to students and the general public. He reiterated that there would be no firearms in undergraduate dorms and no carrying of firearms while intoxicated. He explained that gun free zones do not work and gave examples of why this needs to be changed.

**MOTION:**

**Rep. Andrus** moved to send **H 222** to the floor with a **DO PASS** recommendation. He spoke to his motion stating that students need more protection from individuals that may intend to cause harm. He stated that if one life is saved because of this legislation then it is worth it.

**SUBSTITUTE  
MOTION:**

**Rep. Higgins** moved to **HOLD H 222** in committee. She spoke to her motion stating that she is comfortable with guns but her issue with this legislation is that it takes away from local control.

**Rep. King** spoke in support of the substitute motion stating that the mentality on campuses tends to be more risky and that guns should not be involved.

**Rep. Buckner-Webb** spoke in support of the substitute motion stating that her constituents are not in support of this legislation.

**Rep. Crane** spoke in support of the original motion stating that in any shooting tragedy there was no prior risk or problem with the current security situation. He feels that this legislation does not seek a problem but it is a proactive step in the avoidance of a problem.

**Rep. Luker** spoke in support of the original motion stating that he is not comfortable with college and university campuses advertising that they are a gun free zone because it announces that students and staff are unarmed. This legislation gives individual control which he feels trumps the local control concerns.

**ROLL CALL ON SUBSTITUTE MOTION:** A roll call vote was requested. **The substitute motion failed 8 AYE to 11 NAY. Representatives Stevenson, Black, Bilbao, McGeachin, Smith, King, Higgins, and Buckner-Webb voted AYE. Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Andrus, Luker, Palmer, Simpson, Guthrie, Henderson, Sims, and Batt voted NAY.**

**ROLL CALL ON ORIGINAL MOTION:** A roll call vote was requested on the original motion to send **H 222** to the floor with a **DO PASS** recommendation. **The motion passed 11 AYE to 8 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Andrus, Luker, Palmer, Simpson, Guthrie, Henderson, Sims, and Batt voted AYE. Representatives Stevenson, Black, Bilbao, McGeachin, Smith, King, Higgins, and Buckner-Webb voted NAY. Rep. Simpson will sponsor the bill on the floor.**

**ADJOURNED:** There being no further business before the committee; the meeting was adjourned at 9:27 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:45 A.M.  
Room EW40  
Friday, March 11, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20348</u></a>	Technical Corrections and Definition Clarifications for the Division of Veterans Services	Rep. Bolz
<a href="#"><u>RS20379</u></a>	Rules Governing Domestic Cervidae	Rep. Andrus
<a href="#"><u>RS20589</u></a>	Relating to Wind Farms	Rep. Simpson
<a href="#"><u>H 191</u></a>	Pari-Mutuel Betting	Rep. Bilbao, Stan Boyd, Idaho Quarter Horse Association
<a href="#"><u>S 1114</u></a>	Definition Clarifications for the State Liquor Division	Roger Batt, Association Management Group

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 11, 2011

**TIME:** 7:45 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative(s) Higgins

**GUESTS:** Earl A. Lilley, Idaho Horse Council; Roger Batt, Idaho Grape & Wine Producers; Sharon L. Scudder; Mike Scudder; Dwayne Dedrickson; Clayton Russell, Idaho Quarter Horse Association; Myran Amsden, Idaho Horse Council; Charlene Cooper, Idaho Horse Council/Idaho Quarter Horse Association; Clark Colbin, Post Register; Dale Parker, Idaho Fairs - Racing; Ron Kay Gem County Fair Board; Stan Boyd, Idaho Quarter Horse Association; Neil Colwell, Avista Corporation

**Chairman Loertscher** called the meeting to order at 7:45 A.M.

**RS 20348:** **Rep. Bolz** presented **RS 20348** explaining that this proposed legislation clarifies existing definitions and includes new definitions. It also revises the appeals process to require that employers provide notice of the process and clarifies the time periods and methods of appeal. He explained that this also authorizes the Division of Veterans Services and the Department of Labor to provide technical assistance and education to public employers and veterans.

**MOTION:** **Rep. Bilbao** moved to introduce **RS 20348**. **Motion carried on voice vote.**

**RS 20379:** **Rep. Andrus** presented **RS 20379** stating that this resolution rejects rules relating to governing Domestic Cervidae because it is not consistent with legislative intent. He stated that this issue has been debated thoroughly in the House Agriculture Committee.

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20379** and send to the second reading calendar. **Motion carried on voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

**RS 20589:** **Rep. Simpson** presented **RS 20589** stating this proposed legislation initiates a review process regarding the development of industrial wind farms so the State may adequately update its Idaho Energy Plan. He explained the benefits of wind power and incentives offered by the federal government to these wind developers. Specifically this proposed legislation would direct the Legislative Council Interim Committee on Energy, Environment and Technology to conduct the functions as directed within this legislation.

**MOTION:** **Rep. Luker** moved to introduce **RS 20589**. **The motion carried on voice vote.**



**H 191:** **Rep. Bilbao** presented **H 191** stating that this legislation would authorize pari-mutuel wagering on the result of a live horse race meet at a facility not located on the grounds of a live horse race meet facility. He explained that simulcast betting is the activity of placing bets and collecting winnings on races watched via television. This legislation would allow for simulcasting licenses to be moved from a licensed track to a more suitable location within a county or moved from one county to another. He explained the benefits of having this betting and that this legislation also establishes guidelines for distribution of excess funds to the Idaho Horse Board for youth programs and to the Robert R. Lee Promise Scholarship program.

In response to committee questions, **Rep. Bilbao** stated that only 8 counties have a license for pari-mutuel betting. Races from all over the nation can be broadcast at these locations. Both counties have to approve moving a license from one to another.

**Earl Lilley**, Idaho Horse Council; **Clayton Russell**, Idaho Quarter Horse Association; **Myran Amsden**, Idaho Horse Council; **Dale Parker**, Idaho Fairs; **Charlene Cooper**, Idaho Quarter Horse Association, **Dale Parker**, Idaho Falls Racing; **Ron Kay**, from Gem County representing self; **Stan Boyd**, Idaho Quarter Horse Association; and **Dwayne Dedrickson**, representing self spoke in **support of H 191**. Points of support included the financial benefits from simulcasting these races; benefits to the racing tracks and training facilities; and current viewing venues are not suitable for these broadcasts.

**Rep. Bilbao** stated that this promotes racing in Idaho and explained the benefits it brings to local communities. He stated that this is not an expansion because this legislation does not increase the number of licenses.

**MOTION:** **Rep. Smith** moved to send **H 191** to the floor with a **DO PASS** recommendation. She spoke to her motion stating this legislation is a good tool and source of revenue for communities.

**Rep. Luker** spoke against the motion stating that he has concerns regarding the language dealing with county licenses.

**ROLL CALL VOTE ON MOTION:** A roll call vote was requested. **The motion passed 10 AYE to 7 NAY. Representatives Anderson, Black, Bilbao, Guthrie, Henderson, Sims, Batt, Smith, King, and Buckner-Webb** voted **AYE**. **Chairman Loertscher, Vice Chairman Crane, Representatives Andrus, Luker, Palmer, Simpson, and McGeachin** voted **NAY**. **Rep. Bilbao** will sponsor the bill on the floor.

**S 1114:** **Roger Batt**, representing the Idaho Grape Growers and Wine Producers, presented **S 1114**. This legislation removes “wine” from the definition of alcoholic liquor because it is not considered liquor as defined in Idaho Code. He explained that this legislation will give the Liquor Division the continued authority to buy, sell, import, transport, store, and deliver sparkling wine and wines with alcohol contents of 16% by volume. He explained that this would include table wines that are exclusively manufactured by Idaho wineries. He explained other technical changes to update the language.

**Rep. Batt** cited **House Rule 38** stating that Mr. Batt is her husband and that she would be voting on this bill.

**MOTION:** **Rep. Crane** moved to send **S 1114** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Crane** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 8:45 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Monday, March 14, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>SCR 106</u></a>	Lewis County Centennial Anniversary	Sen. Nuxoll
<a href="#"><u>RS20588</u></a>	Regarding Election Procedures	Tim Hurst, representing the Secretary of State's Office
<a href="#"><u>S 1115</u></a>	Regarding Abortion Terms within the Affordable Health Care Act	David Ripley, representing Idaho Chooses Life
<a href="#"><u>H 242</u></a>	Eminent Domain	Rep. Guthrie

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 14, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:00 A.M.

**SCR 106:** **Sen. Nuxoll** presented **SCR 106** stating that this resolution commemorates the founding of Lewis County one hundred years ago on March 3, 1911. She explained the history of Lewis County and its achievements in Idaho.

**MOTION:** **Rep. Black** moved to send **SCR 106** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Henderson** will sponsor the bill on the floor.

**RS 20588:** **Tim Hurst**, Secretary of State's Office, presented **RS 20588** stating that this proposed legislation deals with the administration of elections in the State. This will extend the ability to request a recount of ballots, identify how long specific election records are to be retained, and clarifies various election administration procedures in the statutes.

In response to committee questions, **Mr. Hurst** stated that these regulations are the same that govern elections for state legislators. He further explained the ballot and envelope process.

**MOTION:** **Rep. King** moved to introduce **RS 20588** with the change on page 8 line 14, replacing "forty-eight (48)" with "twenty-four (24)". **The motion carried on voice vote.**

**S 1115:** **David Ripley**, Idaho Chooses Life, presented **S 1115**. He explained the federal health care legislation signed into law that will require insurance to provide coverage for elective abortions unless the affected state chooses to opt out under the provisions of the Nelson-Reid Amendment. Idaho currently allows for taxpayer abortions if the mother's life is at risk or if the pregnancy was the result of rape or incest. He explained that this legislation would protect current Idaho policy.

**Jason Herring**, Right to Life of Idaho, and **Julie Lynde**, representing Cornerstone Family Council, spoke in **favor of S 1115**. They both stressed the need to keep the current Idaho policy regarding abortion and for Idaho to opt out of the abortion section of the Federal Health Care Act. The federal government should not make taxpayers pay for a procedure they are against.

**Marty Durand**, Planned Parenthood of the Great Northwest, spoke in **opposition to S 1115**. She explained situations in which a woman gets pregnant and cannot pay for the medical expenses. Under this legislation, if a woman was undergoing cancer treatment and needed an abortion to further those treatments, she would be denied an abortion.

In response to committee questions, **Ms. Durand** stated that under this legislation a woman wanting insurance to cover an abortion would be required to buy that insurance separately.

**Mr. Ripley**, reiterated that if we do not opt out of this provision then Idaho will be forced to pay for elective abortions. This legislation will maintain the current Idaho policy.

**MOTION:** **Rep. Crane** moved to send **S 1115** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE ON MOTION:** A roll call vote was requested. **The motion passed 14 AYE to 4 NAY.** **Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Stevenson, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt** voted **AYE**. **Representatives Smith, King, Higgins, and Buckner-Webb** voted **NAY**. **Rep. Crane** will sponsor the bill on the floor.

**H 242:** **Rep. Guthrie** presented **H 242** stating that this proposed legislation ensures that the intent of eminent domain will not be used for limited transportation corridors that are not critical to the greater public good. He explained that this legislation is an effort to protect people's property rights. The cities will save money by not having to fight eminent domain lawsuits, and citizens will be less fearful of their property being taken for the purpose of a greenway or bike path. He stated that he is not against these paths but that he is against the taking of personal property.

**Paul Link**, Portneuf Greenway Association; **Tamara Code**, Portneuf Greenway Association; **David Swindell**, City of Pocatello; **Bill Nichols**, Idaho Association of Cities; **Justin Ruen**, Idaho Association of Cities, **Kerry Ellen Elliott**, Idaho Association of Counties, and **Whitney Rearick**, Idaho Pedestrian and Bicycle Alliance, testified in **opposition to H 242**. Points that were mentioned included the need of eminent domain as a negotiating tool; the current process of establishing greenways is adequate and fair; the due process that happens before eminent domain is used; the benefits and safety of bike trails; greenways and bike trails being a source of commuting; authority should be left to local officials; and the fact that eminent domain is rarely used for these projects.

**Russ Hendricks**, Idaho Farm Bureau; **Mark Balzer**, representing self; and **Benjamin Kelly**, Food Producers of Idaho testified in **support of H 242**. Points of support included giving rights to property owners; the cities should find alternate routes for bike paths instead of using eminent domain; the support of restricting eminent domain; and this legislation does not stop the buying or selling of property for these greenways.

**Rep. Guthrie** stated that the Ada County Highway Districts helped draft the language within **H 242**. He stated that people purchase private property at a higher expense because of scenic views and the State should not have power to take those views from citizens. He stated that this is more than a local issue but that it is an individual issue.

**Rep. Anderson** inquired about the word "existing" and if that was necessary to have within the legislation.

**Rep. Guthrie** stated that this legislation applies to new developments but with the removal of the word "existing" the intent of the legislation would remain unchanged.

**MOTION:** **Rep. Luker** moved to send **H 242** to General Orders with amendments; **Rep. Simpson** seconded the motion.

**SUBSTITUTE MOTION:** **Rep. Smith (30)** moved to **HOLD H 242** in committee. She spoke to her motion stating that this legislation takes away a tool from the local governments that deal with issues specific to that community.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

A roll call vote was requested on the substitute motion to **HOLD H 242** in committee. **The substitute motion failed 3 AYE to 13 NAY. Representatives Smith, King, and Buckner-Webb voted AYE. Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted NAY.**

**ORIGINAL  
MOTION:**

The original motion is to send H 242 to General Orders with committee amendments. **The motion carried on voice vote. Representatives Smith, Buckner-Webb, and King asked to be recorded as voting NAY. Rep. Guthrie will sponsor the bill on the floor.**

There being no further business before the committee; the meeting was adjourned at 9:54 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:45 A.M.  
Room EW40  
Tuesday, March 15, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20522</u></a>	Legal Counsel of the Constitutional Officers	Rep. Bayer
<a href="#"><u>RS20441</u></a>	Office of Legislative Legal Counsel	Rep. Barbieri
<a href="#"><u>S 1107</u></a>	Sunshine Reports for Community College Trustee Candidates	Sen. Goedde
<a href="#"><u>S 1042</u></a>	Codifier Corrections	Mike Nugent, Research and Legislation

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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Phone: (208) 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 15, 2011

**TIME:** 7:45 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative Anderson

**GUESTS:**

**Chairman Loertscher** called the meeting to order at 7:45 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes of March 9, 2011. **The motion carried on voice vote.**

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 10, 2011. **The motion carried on voice vote.**

**RS 20522:** **Rep. Bayer** presented **RS 20522** stating that this legislation addresses the disparity that makes five of the State's seven constitutional offices the only agencies in state government that have no ability to use legal services outside the Attorney General. He feels that this legislation will add flexibility regarding the legal representation of the State's constitutional officers. Under current law the legislative and judicial branches and the Governor each have the ability to utilize outside legal services, rather than the Attorney General's office. This leaves the five other constitutional officers with no legal ability to utilize legal services outside the Attorney General.

In response to committee questions, **Rep. Bayer** stated the funds that are currently used to fund the Attorney Generals services would be directed to the chosen legal services.

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20522**. **Motion carried on voice vote.**  
**Chairman Loertscher** stated that without objection, **Sen. Goedde** would present **S 1107** next.

**S 1107:** **Sen. Goedde** presented **S 1107** stating that this proposed legislation will require candidates for community college trustee positions to file sunshine reports for their campaign. He explained other positions that require these reports and the need for transparency during campaigns.

In response to committee questions, **Sen. Goedde** stated that community college trustee candidates will now abide by the same sunshine regulations as state representatives. Reports will be filed to the county clerks within the county in which the candidate resides.

**MOTION:** **Rep. King** moved to send **S 1107** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote.** **Rep. Henderson** will sponsor the bill on the floor.

**RS 20441:** **Rep. Barbieri** presented **RS 20441** stating that this proposed legislation is to create the Office of Legislative Legal Counsel to act as counsel to the Legislature. He explained the three branches of government and how currently the Legislative Branch seeks legal opinions from the Executive Department office of the Attorney General and how this is a potential conflict.



In response to committee questions, **Rep. Barbieri** stated that this proposed legislation creates 2 new attorney positions and they would work within the Legislative Services Office. The number of attorneys to represent the Legislature was decided on the current work load of the Legislature. He stated that the possible difference of opinions between the Attorney General and the 2 attorneys would be a benefit to the legislative process. While not in session, the attorneys would help to develop and prepare legislation for the upcoming session. Currently legislators have the power to seek legal advice from outside the Attorney General; this legislation is an extension of that power.

**MOTION:** **Rep. Crane** moved to introduce **RS 20441**.

**SUBSTITUTE MOTION:** **Rep. Higgins** moved to return **RS 20441** to sponsor. She spoke to her motion explaining concerns regarding the amount money be transferred from the Attorney General's funds to Legislative Services. **The substitute motion failed on voice vote.**

**ORIGINAL MOTION:** **The motion carried on voice vote. Representatives King, Higgins, and Buckner-Webb** asked to be recorded as voting **NAY**.

**S 1042:** **Mike Nugent**, representing the Research and Legislative Services, presented **S1042** stating that the purpose of this bill is to make various codifier corrections to Idaho Code. He explained that in the course of a legislative session, multiple amendments to a single code section, chapter, or title are frequently passed. These multiple amendments result in conflicting numbering of sections or subsections. This bill compiles those errors in code and corrects them.

**MOTION:** **Rep. Andrus** moved to send **S 1042** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Smith** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 8:30 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Wednesday, March 16, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>SCR 108</u></a>	Administrative Procedure Act: Temporary Rules	Paige Allen Parker, Legislative Services
<a href="#"><u>S 1071</u></a>	POW/MIA Flags	Rep. Eskridge
<a href="#"><u>H 233</u></a>	Duties of the State Controller	Dan Goicoechea, State Controller's Office
<a href="#"><u>S 1041</u></a>	Idaho Lottery Administrative Processes	Becky Schroedder, Idaho Lottery Commission

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 16, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Becky Schroeder, Idaho Lottery; Jennifer Quinno, Idaho Lottery; Dan Goicoechea, State Controllers Office (SCO); Donna Jones, SCO; Rita Foltman, SCO; Rob Shoplock, PFFI; Dan Friend, Eagle Fire Department; Joanna Gufrey; Dennis Stevenson, Rules Coordinator

**Chairman Loertscher** called the meeting to order at 8:00 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes of March 11, 2011. **Motion carried on voice vote.**

**SCR 108:** **Paige Parker**, representing Idaho Legislative Services, presented **SCR 108**. This concurrent resolution would approve and extend the agencies temporary rules beyond the current session. He stated that no temporary rules were rejected by the Legislature during the year's rules review.

**MOTION:** **Rep. Bilbao** moved to send **SCR 108** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Bilbao** will sponsor the bill on the floor.

**S 1071:** **Rep. Eskridge** presented **S 1071** stating that this proposed legislation would allow for the voluntary display of Prisoner of War (POW) and Missing in Action (MIA) flags on or in front of the State's capitol building. He explained that this would also include district court buildings, city/town hall buildings, and main county administrative buildings.

**MOTION:** **Rep. Higgins** moved to send **S 1071** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Eskridge** will sponsor the bill on the floor.

**H 233:** **Dan Goicoechea**, representing the Idaho State Controller's Office presented **H 233** explaining that this legislation allows the State Controller and designees to access applicable records currently exempt from public record disclosure. He explained the duties of the State Controller and the situation in which this legislation is needed.

**MOTION:** **Rep. King** moved to send **H 233** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Crane** will sponsor the bill on the floor.

**S 1041:** **Becky Schroeder**, representing the Idaho Lottery Commission, presented **S 1041** stating that this legislation eliminates obsolete and outdated statutory language relating to the Commission. She explained that the section regarding a temporary line of credit has been paid off and is no longer necessary in statute. The other changes include language and positions that are no longer applicable to the Commission and are being repealed within this legislation.

**MOTION:** **Rep. Higgins** moved to send **S 1041** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Higgins** will sponsor the bill on the floor.

**ADJOURN:**      There being no further business before the committee; the meeting was adjourned at 8:18 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #3 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Thursday, March 17, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 189</u></a>	Eminent Domain	Rep. Bedke
<a href="#"><u>H 268</u></a>	Eminent Domain	Rep. Bedke
<a href="#"><u>H 275</u></a>	Administration of Elections	Tim Hurst, Secretary of State's Office
<a href="#"><u>S 1129</u></a>	Local Government Investment Pool	Ron Crane, State Treasurer
<a href="#"><u>S 1130</u></a>	Idaho Bond Bank Authority	Ron Crane, State Treasurer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 17, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:02 A.M.

**MOTION:** **Rep. Batt** moved to approve the minutes of March 14, 15, and 16, 2011. **The motion carried on voice vote.**

**H 189:** **Rep. Bedke** asked the committee to **HOLD H 189.**

**Chairman Loertscher** stated that without objection **H 189** would be held in committee.

**H 268:** **Rep. Bedke** presented **H 268** explaining that this legislation ensures that when and if the powers of eminent domain are used, that the State will demonstrate that the use materially serves the interests of the citizens of Idaho. He explained that in previous legislation the word "directly" was used but that this new language better complies with current statute. He explained that this regulation applies to an entity not including a public utility, cooperative, or municipality, exercising the right of eminent domain. He referred to the definitions of a public utility, cooperative, and municipality as found in Idaho Code. He explained the work that the federal government has done to strengthen the electrical grid nationwide but that federal land policies have remained the same. The federal government owns majority of the land in the West. Because eminent domain powers belong to the States, they find it easier to condemn the private property of citizens to transmit power then go through the process of obtaining and using federal lands.

**MOTION:** **Rep. Bilbao** moved to send **H 268** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Bedke** will sponsor the bill on the floor.

**H 275:** **Tim Hurst**, representing the Secretary of State's Office, presented **H 275** explaining that this legislation deals with election procedures within the counties. This bill extends the ability to request a recount of ballots and explains the voting machine testing process. This legislation clarifies how long specific election records are to be retained. It explains the absentee ballot process and how to flatten ballot sheets in order insert the ballots into the tabulation machine accurately. This legislation requires counties to open absentee ballots no earlier than 24 hours before election day. This legislation clarifies the terms that have to be met in order for a person to run for president.

In response to committee questions, **Mr. Hurst** explained the recount procedures for the automated tabulation system and that the testing on the machine is done to determine if there is something wrong with the tabulation system. This legislation is putting the direction from the Secretary of State's Office to the Counties in statute. All recount processes, storing of ballots, and opening of absentee ballots are transparent. There is no provision with this legislation that would require signatures for a legal referendum. He further explained the absentee ballot process and current statute that is in place to help Counties conduct this process correctly.

**Phil McGrane**, Ada County Clerk, addressed the Committee regarding **H 275**. He explained the process in which his office deals with elections and the absentee ballots. He is in support of this legislation but wants to see the 24 hour regulation changed to 120 hours. This regulation regards the opening of absentee ballots prior to the election day.

In response to committee questions, **Mr. McGrane** further explained the security measures that are executed by his staff to provide safety and transparency regarding the ballots. Election staff acts in a non-partisan manner. Currently Ada County starts opening absentee ballots 6 days prior to the election and on the election day they start testing and counting machine votes. Invitations are extended to both parties to view ballot counting.

**Brad Jackson**, Canyon County Clerk, expressed the same concerns as **Mr. McGrane**. Canyon County spent 190 hours opening absentee ballots prior to the election and does not feel that 24 hours is an adequate time frame to count both absentee ballots and machine votes on election day.

**Larry Spencer**, representing self, explained that smaller counties do not have the same security available as larger counties. He is in support of this legislation to make more clear how County Clerks are to deal with elections but he expressed concerns regarding the absentee envelopes and ballots. He feels that the legislation should be amended to include better direction regarding the security of ballots.

**Shelly Gannon**, Gem County Clerk, testified in **favor of H 275**. She gave a perspective of security and the ballot process from a smaller county. She stated that Gem County has never had to open absentee ballots prior to an election day.

Idaho Secretary of State **Ben Ysursa** testified in **favor of H 275**. He stated that policy is best in statute so there is no confusion among the County Clerks. He explained that counties should not be concerned with how quickly they count ballots on election day but that they are counting the ballots efficiently.

**MOTION:**

**Rep. Luker** moved to send **H 275** to General Orders with the amendment of removing the entire sections of 11 and 16; **Rep. Batt** seconded the motion. **The motion carried on voice vote.** **Rep. Buckner-Webb** will sponsor the bill on the floor.

**Chairman Loertscher** stated that due to the lack of time; **S 1129** and **S 1130** will be rescheduled.

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 9:47 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:00 A.M.  
Room EW40  
Friday, March 18, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 265</a>	Moratorium on Wind Farms	Rep. Simpson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher

Vice Chair Crane

Rep Anderson

Rep Stevenson

Rep Black

Rep Andrus

Rep Bilbao

Rep Luker

Rep Palmer

Rep Simpson

Rep Guthrie

Rep Henderson

Rep McGeachin

Rep Sims

Rep Takasugi(Batt)

Rep Smith(30)

Rep King

Rep Higgins

Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 18, 2011

**TIME:** 7:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 7:00 A.M.

**Chairman Loertscher** cited **House Rule 38** stating that he does own property that may be affected under **H 265**.

**H 265:** **Rep. Simpson** presented **H 265** explaining that when the Idaho Energy Plan was adopted by the Legislature in 2007 it was not contemplated that the proliferation of wind generation would reach the levels seen today. He explained how wind generation is affecting the cost of power to ratepayers. Because the wind industry is so new, issues such as wildlife danger and medical problems of those living close to wind farms have not been researched. He yielded his time to **Scott Van Evenhoven**, Idahoans for Responsible Wind Development, who explained that they are in support of a moratorium because of the rapid growth of wind farms in Idaho. Researchers do not know how this production will affect Idaho in the long run. He explained wind energy compared to other types of energy produced in Idaho. Wind is not a reliable source of power because wind is not consistent. He explained the lack of direction given to the Planning and Zoning Commissions statewide. He also explained the cost of federal and state subsidies.

In response to committee questions, **Mr. Van Evenhoven** stated that not all counties have ordinances in place to protect landowners from encroachment of wind turbines. He feels that the State should produce a better energy policy regarding wind production for counties to follow. He explained the process to approve wind projects in Idaho and, that if a project receives any of these approvals, the project is grandfathered in under this legislation. He talked about conflicts within counties between the Planning and Zoning Commission and the County Commissioners.

**Tauna Christensen**, representing self; **Rocky Deschamps**, representing self; **Dr. Louis Morales**, representing self; **Harold Jones**, representing self; and **Steve Prebe**, representing self, testified in **support of H 265**. Some points of support included the need for better research on wind production; wind turbines being erected without proper notification; Wind Turbine Syndrome; the need for State regulation for County officials; noise concerns; Fish and Game concerns; and the decrease of property value because of wind turbines being approved and erected by the counties.

In response to committee questions, **Ms. Christensen** stated that the Planning and Zoning Commission within her county did not approve the wind turbine (which is 500 feet from her residence), but the County Commissioners overturned this ruling. She stated that she did testify at the Planning and Zoning meeting, but the County Commissioners held a closed meeting.

In response to committee questions, **Mr. Jones** stated that a County Commission has to prove an immediate harm to the county before they can declare a moratorium solely within a county. He stated that when wind power was first introduced there were not many known risks because it was so new. Because of this; the Planning and Zoning and County Commissions approved several applications. He stated that these Commissions cannot start denying applications because they are similar to the applications they had previously approved. He feels that a statewide moratorium is the only answer.

**Suzanne Leta Liou**, Renewable Energy System America Development; **Mark Brackett**, representing Self; **Jon Barrow**, representing self; **Kyle Brown**, representing self; **Chris Jensen**, representing self; **Rick Hulse**, representing self; **Emma Hulse**, representing self; **Scott Montgomery**, and **Mary York**, Cedar Creek Wind; **John Steiner**, Hart Creek Ranch; **Bill Block**, J.U.B. Engineers; **Tory Talbet**, and **Trent Talbet**, Talbet Farms; spoke in **opposition to H 265**. Some points of opposition include whether wind productions benefit local communities; concerns regarding the broad language within the legislation; what constitutes as an approved project; current projects that are invested but not “approved”; individuals that have a wind turbine technical degree and unable to find work in Idaho; who will pay for research during the 2-year moratorium; issues with federal land holdings; in which these are local issues and that the State should not be involved.

In response to committee questions, **Ms. Liou** stated that the China Mountain Wind Project will start construction in Twin Falls in 2012. She stated that the Bureau of Land Management (BLM) has not approved the project, but it is already invested. She explained the environmental impact this project would have on Idaho. The project is on private, federal, and state lands.

In response to committee questions, **Mr. Block** explained the other sources of energy Idaho uses along with wind. He stated that he was in support of the moratorium on coal power because none of the coal was from Idaho and none of the power being produced was being used in Idaho. Other states got the benefits from the coal production while Idaho got the pollution. He stated that the China Mountain Project, which implements wind turbines within Idaho to supply power to Nevada, is different than the coal issue because wind power is renewable.

**Chairman Loertscher** stated that without objection; testimony on **H 265** would resume on Monday 21, 2011. There were no objections.

**ADJOURN:**

There being no further business before the committee; the meeting was adjourned at 10:17 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:45 A.M.  
Room EW40  
Monday, March 21, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H281</a>	Idaho Public Records Law	Rep. Batt
<a href="#">H 265</a>	Continued Testimony: Moratorium on Wind Farms	Rep. Simpson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 21, 2011

**TIME:** 7:45 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 7:45 A.M.

**Chairman Loertscher** stated that due to the lack of time to hear all those that wish to testify; the Committee will go at ease for 5 minutes so those that are in opposition to **H 265** and those that are in support can gather together and decide who they would like to speak on behalf of their views.

**Chairman Loertscher** called the meeting back to order at 7:54 A.M.

**H 265:** **Jack McMahon**, representing self; **Dave Aspatari**, Eagle Planning and Zoning Commission; **Gary Allen**, Idaho Wind Farms; and **Rich Rayhill**, Ridgeline, spoke in **opposition to H 265**. Points of opposition included the wind production in Idaho benefiting local economies; the noise that wind turbines produce is the same as a busy road; a moratorium may concern investors in current Idaho projects; the language within this legislation is broad; concerns regarding the statute of limitations; Idaho is not in an emergency state regarding wind power; and that the State should not be setting policy regarding local issues. The language within the legislation stops wind power construction and permits but the exemption only mentions permits.

**Neil Colwell**, Avista; **Brian Bertz**, Western Watershed Project; **Anne Detrick**, representing self; and **Wade Christensen**, representing self, testified in **support of H 265**. Points of support included the affect of wind energy on rate payers; the subsidies involved in wind generation; the possible legal challenges involving siteing on federal land; the affects of wind projects on sage grouse; the concerns regarding County Commissioners being able to overturn decisions made by the Planning and Zoning Commissions; counties adopt policies that require no written notification to homeowners who live more than 300 feet from a planned wind project; equipment costs have fallen but subsidies are the same; customers pay higher rates for power because of money given to wind developers; there are no policies in place to protect homeowners; competitive markets are not being developed with the current system; the State's Energy Plan needs to be updated; and that these are not local issues.

**Scott Van Evenhoven**, Idahoans for Responsible Wind Development, explained the shadows the wind turbines produce and how this may interfere with wildlife and driving. Idaho needs to do research to better deal with the amount of power being produced by wind energy and that the State needs to take a break from this production to come up with policies for the counties to follow.

**Rep. Simpson** stated that **H 265** is an issue about who is giving and getting money for wind production. Ratepayers are paying higher prices to cover the subsidies offered by the state and federal government. He stated that these were local issues but because of the money involved and the lands being used; it is now a State issue.

**Chairman Loertscher** stated that without objection; the Committee would vote on **H 265** on Tuesday, March 22, 2011. There were no objections.

**ADJOURN:** There being no further business before the committee; the meeting was adjourned at 9:39 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:45 A.M.  
Room EW40  
Tuesday, March 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>H 265</u></a>	Committee Vote: Moratorium on Wind Farms in Idaho	Rep. Simpson
<a href="#"><u>S 1070</u></a>	Assisted Suicide	David Ripley, Idaho Chooses Life
<a href="#"><u>H 277</u></a>	Legal Services for Constitutional Officers	Rep. Bayer
<a href="#"><u>H 278</u></a>	Legislative Counsel	Rep. Barbieri

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Camille Luna  
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Phone: (208) 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 22, 2011

**TIME:** 7:45 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Sharon Block; Bob Aldridge; Julie Lynde, Cornerstone Family Council; Kerry Unlenkolt, Right to Life of Idaho; Ken Miller; Ray Armaya, 670 AM KBOI; Jason Herring, Right to Life of Idaho; Ken McClure, IMA; Brian Kane, Attorney General's Office; Kathie Garrett, Idaho Council on Suicide Prevention; Dave Goins, Idaho News Service

**Chairman Loertscher** called the meeting to order at 7:48 A.M.

**H 265:** **Chairman Loertscher** stated that **H 265** is before the Committee for consideration.

**MOTION:** **Rep. Crane** moved to send **H 265** to the floor with a **DO PASS** recommendation. He argued that having a two- year moratorium on wind energy would not stop current projects and that the State needed to take a break to better develop a State Energy Plan. He stated the moratorium was similar to the coal moratorium that had been passed by the legislature in prior sessions.

**Rep. Black** spoke against the motion stating that **H 265** addressed local issues and that Counties already had ordinances to protect property owners.

**SUBSTITUTE  
MOTION:** **Rep. Higgins** moved to **HOLD H 265** in committee. She argued that she has concerns regarding the broad language within the legislation.

**Rep. Andrus** spoke in support of the substitute motion and explained how the coal moratorium that was passed in a previous session negatively affected Idaho. He stated that the Energy Committee encouraged renewable energy within the State. He stated that lessening or taking away the incentives to produce wind energy in Idaho would slow down projects.

**Rep. Anderson** spoke in support of the substitute motion. He stated that these issues would be reviewed by the Energy Committee this year. He also stated that Idaho needed to stick with the Energy Committee's original plan of producing renewable energy.

**Rep. Simpson** spoke in favor of the original motion explaining that the wind turbines were producing more energy than Idaho could use and in order to pay for the tax rebates and incentives to the developers, Idahoans were paying a higher rate for power. He stated that a moratorium is not a radical move but a proactive move to come up with a plan on how to deal with these issues. He stated that the bill would protect rate payers. He noted that the Legislature did not have the ability to restrict the incentives currently given to developers.

**Rep. Smith (30)** spoke in support of the substitute motion. She stated that the language in the legislation is too broad and that the bill needed to include siting laws for the counties.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Luker** moved to send **H 265** to General Orders with committee amendments attached. He stated that the bill had some weak areas but that this legislation was necessary because of increasing power rates for Idahoans.

**Rep. Stevenson** spoke in favor of the substitute motion. He stated that the counties currently had the authority to initiate a moratorium within the county and that the moratorium did not need to be dealt with at a State level. He explained that some of the wind projects are on private land and that the State should not tell citizens what they can and cannot do on their land. He stated that members of community could go to the Planning and Zoning Commission meetings to voice opposition.

**Rep. Batt** spoke in support of the amended substitute motion stating that some of the language within the bill needed to be changed and that the State needed time to focus on the current Energy Policy.

**Rep. Crane** withdrew his motion to send **H 265** to the floor with a **DO PASS** recommendation. He spoke in support of the amended substitute motion stating that the language within the bill needed to be better clarified.

**Chairman Loertscher** stated that the substitute motion would become the original motion and that the amended substitute motion would become the substitute motion.

**Rep. Guthrie** argued in support of the substitute motion stating that the legislation needed a full debate in General Orders on the floor.

**Rep. Anderson** spoke against the substitute motion stating that sending the legislation to General Orders would be an attempt to rewrite a bad bill. He stated he was not comfortable supporting legislation that denied land permits and he would like to see a completely new bill.

**Rep. McGeachin** argued in favor of the substitute motion. She stated that the legislation passed in previous sessions offering incentives for developers was never intended to use so much of the State's revenues. She noted that the issues and concerns should be worked out before more licenses were granted.

**Rep. Higgins** argued against the substitute motion stating that the legislation did not resolve the issue being mentioned such as land siting or incentives.

**ROLL CALL ON  
SUBSTITUTE  
MOTION:**

**Chairman Loertscher** stated that the substitute motion to send **H 265** to General Orders with committee amendments was before the committee. A roll call vote was requested. **The substitute motion failed 9 AYE to 10 NAY. Chairman Loertscher, Vice Chairman Crane, Luker, Palmer, Simpson, Guthrie, McGeachin, Sims, and Batt voted AYE. Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Henderson, Smith (30), King, Higgins, and Buckner-Webb voted NAY.**

**ROLL CALL  
ON ORIGINAL  
MOTION:**

**Chairman Loertscher** stated that the original motion to **HOLD H 265** in committee was before the committee. A roll call vote was requested. **The original motion passed 11 AYE to 8 NAY. Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Guthrie, Henderson, Smith (30), King, Higgins, and Buckner-Webb voted AYE. Chairman Loertscher, Vice Chairman Crane, Luker, Palmer, Simpson, McGeachin, Sims, and Batt voted NAY.**

**S 1070:**

**David Ripley**, Idaho Chooses Life, presented **S 1070** explaining that states have adopted legislation which allows for doctor-assisted suicide. He stated that according to a recent opinion from the Office of the State Attorney General, Idaho does not have an effective and clear prohibition against physician-assisted suicide, or "aid-in-dying". This legislation would supplement existing common law and statutory law by confirming that it was illegal to cause or assist in the suicide of another. He stated that this proposed legislation was modeled after states that have implemented similar legislation. He also stated that **S 1070** did not change current law but was a preemptive step in the avoidance of possible issues.



In response to committee questions, **Mr. Ripley** explained the process in which a suspected suicide is reported and investigated.

**Bob Aldridge**, representing self; **Julia Lynd**, Cornerstone Family Council; **Jason Herring**, Right to Life of Idaho; **Ken McClure**, Idaho Medical Association; and **Kerry Unlenkolt**, Right to Life of Idaho; testified in favor of **S 1070**. Points of support included the affects of assisted suicide on families, the mental stability of those wishing to end their life, the current statute that investigates all unintended deaths, and the potential problems that could arise from legalizing terminally ill euthanasia. They also agreed that the State should declare that actively assisting in death as wrong.

**MOTION:** **Rep. Higgins** moved to send **S 1070** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Bayer** will sponsor the bill on the floor.

**H 277:** **Rep. Bayer** presented **H 277** stating that the legislation addressed the disparity of making five of the State's seven constitutional offices the only agencies in state government that have no ability to use legal services outside that of the Attorney General. He explained that the legislation would add flexibility regarding the legal representation of the State's constitutional officers. Under current law the legislative and judicial branches and the Governor each have the ability to utilize outside legal services, rather than the Office of the Attorney General. In addition, the Governor has the ability to issue a finding that allows any executive branch agency under the Governor to utilize legal services outside the office of the Attorney General. This leaves the five other constitutional officers with no legal ability to utilize legal services outside the Attorney General.

In response to committee questions; **Rep. Bayer** stated that the legislation was brought up as a potential conflict within the Idaho Land Board and that those members needed more flexibility regarding legal counsel.

**MOTION:** **Rep. Bilbao** moved to send **H 277** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Bayer** will sponsor the bill on the floor.

**H 278:** **Rep. Barbieri** presented **H 278** stating that the proposed legislation would create the Office of Legislative Legal Counsel, within the current Legislative Services Office, to act as counsel to the Legislature. He explained the three branches of government and how the Legislative Branch currently seeks legal opinions from the Executive Department, being the Office of the Attorney General. He said there was a conflict of powers.

In response to committee questions, **Rep. Barbieri** stated that the legislation simply extended the power the Legislators currently had to seek legal counsel outside of the Attorney General. He explained the current process for a representative to seek outside counsel and how **H 278** changed that process. The legislation would avoid the appearance of conflict between powers. He stated that **H 278** would not exclude the Attorney General's opinion but would allow for more opinions to be made on legislation.

**Chairman Loertscher** stated that due to the lack of time; the voting on **H 278** would be delayed until Wednesday, March 23, 2011.

**ADJOURN:** There being no further business before the Committee; the meeting was adjourned at 9:47 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:45 A.M.  
Room EW40  
Wednesday, March 23, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>H 278</u></a>	Committee Vote: Legislative Counsel	Rep. Barbieri
<a href="#"><u>H 281</u></a>	Public Records	Rep. Batt
<a href="#"><u>RS20638</u></a>	Public Records	Rep. Batt
<a href="#"><u>RS20615</u></a>	Video Franchising	Bill Roden; Qwest
<a href="#"><u>H 230</u></a>	Verification of Lawful Presence in the United States	Rep. Perry

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 23, 2011

**TIME:** 7:45 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative(s) Black

**GUESTS:** Dan Steenson, Dairymen's Association; John Foster, Idaho Press Association; Wayne Hoffman, Idaho Freedom Foundation; Ray Amaya, 670 AM KBOI; Bob Naerebout, Idaho Dairymen's Association; JoAn Condie, ICTA; Benjamin Davenport, Risch Pisca; Bill Roden, Qwest; Hannah Brass, ACLU of Idaho; Courtney Washburn, Idaho Conservation League; Sarah Fuitriman, Roden Law Office; Kent Lauer, Idaho Farm Bureau; Bob Uebelher, Connolly & Smyser; Brain Kane, Office of Attorney General; Seth Grigg, Idaho Association of Counties; Teresa Baker, Ada County

**Chairman Loertscher** called the meeting to order at 7:47 A.M.

**Chairman Loertscher** stated that if it were the will of the Committee; **Rep. Barbieri** would like the Committee to **HOLD H 278** in committee.

**MOTION:** **Rep. Anderson** moved to **HOLD H 278** in committee. **The motion carried on voice vote.**

**Chairman Loertscher** explained that **Rep. Batt** would present **H 281** and **RS 20638** at the same time.

**H 281 & RS 20638:** **Rep. Batt** presented **H 281** and **RS 20638** explaining that both dealt with the Idaho Public Records Law and that **RS 20638** would replace **H 281**. The Idaho Public Records Law authorizes government entities to charge fees to cover the cost of responding to public records requests, and requires that such fees be waived if a requester can show either the "inability to pay" or that public's interest in understanding government will "suffer" if the requester is required to pay. This proposed legislation clarifies the law's fee provisions by authorizing government entities to help requesters narrow the scope of the request; providing that no fee may be charged for the first one hundred pages or the first two hours of labor in responding to a request; requiring fee waivers only for requests that serve the public's interest in understanding government operations; requiring public entities to itemize fee statements; prohibiting requesters from segregating their public records request in order to avoid paying fees; and specifying maximum amount of an advance fee payment that a requester may be required to pay. She stated that this legislation does not affect a public entity's obligation to provide and copy public records for requesters who pay for the costs of their requests, nor does it affect the ability of an individual to obtain a waiver if they can demonstrate that the request will contribute significantly to the public's understanding of government. She stated that the current law does not contain limits on the fee amounts a government entity can charge for labor and copying. **Rep. Batt** yielded the rest of her time to **Dan Steenson**, Idaho Dairymen's Association. He walked the Committee through the legislation and explained where these changes would be made. He also listed the groups that were in support of this legislation and why it was beneficial to them.

In response to committee questions, **Mr. Steenson** stated that the inability to pay fees becomes relevant only if public interest is being served. The one hundred pages and the two hours of service without charge is based on the average parameters under which past requests typically fell.

**John Foster**, Idaho Press Association; **Wayne Hoffman**, Idaho Freedom Foundation; **Brian Kane**, Idaho Attorney General's Office; **Benjamin Davenport**, News Paper Association of Idaho; and **Bob Naerebout**, Idaho Dairyman Association; testified **in favor of the changes made to H 281** within **RS 20638**. Points of support included that the legislation would implement fee regulations and would promote transparency within government agencies.

**Seth Grigg**, Idaho Association of Counties, spoke in **opposition to H 281** and **RS 20638**. He mentioned the current process used by Counties fulfilling their requests and that some Counties had minimal staff to perform those duties. He stated that he was unsure of which specific Counties had minimal staff, but that he felt this legislation was unnecessary.

**Rep. Batt** reiterated that the public had requested this change. He also listed the groups that were in support of the legislation.

**MOTION:** **Rep. Luker** moved to **HOLD H 281** in committee. **The motion carried on voice vote.**

**MOTION:** **Rep. Stevenson** moved to introduce **RS 20638** and send to the second reading calendar. He spoke to his motion stating that the issues within this legislation had been extensively debated within the House Agriculture Committee and felt that the necessary changes had been made. **The motion carried on voice vote.** **Rep. Batt** will sponsor the bill on the floor.

**RS 20615:** **Bill Roden**, Qwest, presented **RS 20615** stating that the legislation made changes to **H 156**. It would allow for incumbent cable companies to continue providing services as done before this legislation and would allow for new cable service providers to obtain franchise agreements at the local or state level. He explained that **H 156** would prohibit discrimination such as "red-lining", would preserve local authority to impose video service provider fees not to exceed five percent of gross revenues, and would permit a city or county to require dedication of public, educational, and governmental (PEG) channels and permit the collection of PEG fees not in excess of one percent of the providers gross revenues.

**Chairman Loertscher** stated that he would appoint a subcommittee to meet regarding **RS 20615** in order for opposition groups to be heard. The subcommittee will be chaired by **Vice Chairman Crane** and **Representatives Simpson, Batt,** and **Smith (30)** will sit on the subcommittee.

**MOTION:** **Rep. Guthrie** moved to introduce **RS 20615**. **The motion passed on voice vote.**

**H 230:** **Rep. Perry** introduced **Matt Kaiserman**, intern for Rep. Perry, who presented **H 230**. He explained that the legislation applied to anyone who knowingly provided a social security number, that was not assigned to him or her, to secure public benefits. He stated that the first two offenses would warrant a misdemeanor and that a felony would be charged in each subsequent offense. He stated that **H 230** was not redundant because there were no current penalties in place. He explained how this legislation would be enforced and that it would reduce fraud within the State.

**MOTION:** **Rep. Henderson** moved to send **H 230** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote.** **Rep. Andrus** asked to be recorded as voting **NAY**. **Rep. Perry** will sponsor the bill on the floor.

**ADJOURN:**      There being no further business before the Committee, the meeting was adjourned at 9:41 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Thursday, March 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>S 1129</u></a>	Local Government Investment Pool	Ron Crane, Idaho State Treasurer
<a href="#"><u>S 1130</u></a>	Idaho Bond Bank Authority	Ron Crane, Idaho State Treasurer
<a href="#"><u>RS20652</u></a>	Highway District Commissioners	Stuart Davis, Executive Director the Idaho Association of Highway Districts
<a href="#"><u>RS20665</u></a>	Relating to Levy Elections	Rep. Simpson
<a href="#"><u>RS20443C1</u></a>	Relating to Bond Elections	Rep. Simpson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 24, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Jan Sylvester; Dave Goids, Idaho News Service; Jess Hanson, Idaho School Boards Association; Matt Malek, Risch Pisca

**Chairman Loertscher** called the meeting to order at 8:01 A.M.

**MOTION:** **Rep. Smith** moved to approve the minutes of March 17, 18 and 21, 2011. **The motion carried on voice vote.**

**S 1129:** **Ron Crane**, Idaho State Treasurer, presented **S 1129** explaining the Local Government Investment Pool (LGIP). The State Treasurer operates the LGIP and he stated that this pool provides a cost effective, low risk investment option to a variety of public agencies. The local governments using the LGIP operate under a variety of statutory provisions concerning investments of funds. This legislation clarifies that participating entities may invest using the LGIP and that the LGIP may look only to the investment restrictions governing the State Treasurer. This will assist the State Treasurer when making investments and working with local officials.

**MOTION:** **Rep. Higgins** moved to send **S 1129** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Higgins** will sponsor the bill on the floor.

**S 1130:** **Ron Crane**, Idaho State Treasurer, presented **S 1130** explaining the School Bond Guarantee Act. He explained the bond process and the money that is involved. This legislation provides similar clarifications for the sales tax pledge under the Idaho Bond Bank Authority. Sales tax moneys are transferred to the general fund and not retained in the State sales tax account. To reflect this practice, references to the State sales tax account are changed and the authorization to release the funds are changed to the State Controller, who holds authority to release moneys in the general fund.

**MOTION:** **Rep. Smith** moved to send **S 1130** to the floor with a **DO PASS** recommendation. **The motion passed on voice vote. Rep. Smith** will sponsor the bill on the floor.

**RS 20652:** **Stuart Davis**, Executive Director of the Idaho Association of Highway Districts, presented **RS 20652** explaining the history behind this proposed legislation. This legislation will allow the elected Highway District Commissioners to serve out their entire elected term. It is designed to help Highway Districts in the State make an orderly transition to the new election cycles as passed by the Legislature.

In response to committee questions, **Mr. Davis** stated that there is an emergency clause on this legislation so it can apply to the Commissioners whose terms expire in May. He explained the process of regulating the Highway District Commissioner's terms and that this legislation is trying to correct that problem.

**MOTION:** **Rep. King** moved to introduce **RS 20652. The motion carried on voice vote. Rep. Sims** asked to be recorded as voting **NAY**.

- RS 20665:** **Rep. Simpson** presented **RS 20665** explaining that this legislation adds clarity for the county clerks regarding levy elections. It provides public notice and ballot requirements for levy elections.
- Rep. Bilbao** spoke in favor of this proposed legislation stating that there are issues regarding levy elections within his county that he feels this legislation will correct. He suggested adding an emergency clause so this provision will apply to upcoming elections.
- MOTION:** **Rep. Luker** moved to introduce **RS 20665** with the change of adding an emergency clause. **The motion carried on voice vote.**
- RS 20443C1:** **Rep. Simpson** presented **RS 20443C1** explaining that this legislation deals with transparency regarding bond elections. It adds requirements of the taxing district to provide a statement as to the specific purpose for which the bonds are to be used, disclose the interest amount of the bonds, and to disclose when the bonds will be paid off or retired.
- Rep. Bilbao** stated that he is in support of this legislation and would like to see an emergency clause added so that it applies to the upcoming bond elections.
- MOTION:** **Rep. Luker** moved to introduce **RS 20443C1** with the change of adding an emergency clause. **The motion carried on voice vote.**
- ADJOURN:** There being no further business before the Committee; the meeting was adjourned at 8:41 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary



AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
CRANE SUBCOMMITTEE  
3:30 P.M.  
Room EW05  
Thursday, March 24, 2011

DOCKET NO.	DESCRIPTION	PRESENTER
<a href="#">H 303</a>	Discussion Regarding: Video Franchising	Bill Roden, Qwest

PUBLIC TESTIMONY WILL NOT BE  
PERMITTED

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brent Crane  
Vice Chair Erik Simpson  
Rep Pat Takasugi  
Rep Elaine Smith

COMMITTEE SECRETARY

Camille Luna  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**CRANE SUBCOMMITTEE**  
Crane

**DATE:** Thursday, March 24, 2011

**TIME:** 3:30 P.M.

**PLACE:** Room EW05

**MEMBERS:** Chairman Crane, Representatives Simpson, Takasugi(Batt), Smith(30)

**ABSENT/  
EXCUSED:** None

**GUESTS:** Richard Horner, City of Rexburg; Alex McNish; TVCTV; Bob Uebelher, Connelly and Smyser; Bill Roden, Roden Law Office; Sarah Fuhrman, Roden Law Office; Ken Harwood, Association of Idaho Cities; Ross Borden, City of Boise; Skip Smyser, AT&T; John Eaton, Realtors; Ron Williams, Idaho Cable Telecommunications Association (ICTA), Celinda Rouch, ICTA; Max Pond, Risch Pisca; Ed Lodge, Qwest

**Chairman Crane** called the meeting to order at 3:34 p.m. and informed the Committee that there would be no public testimony. Rep. Crane stated that the purpose of this meeting was resolve any outstanding issues between stakeholders regarding **H 303**.

**H 303:** **Ron Williams**, Idaho Cable Telecommunications Association (ICTA), testified in opposition of **H 303**, stating that the ICTA did not participate in the drafting of the bill, nor were they present during negotiations between Qwest, the city of Boise and the city of Pocatello. When the ICTA received the bill, they returned their suggestions within two days, which where rejected by Qwest.

**Mr. Williams** stated that his main concerns regarding **H 303** were: the buildout requirements, listing alternative technology under section 50-3008 regarding discrimination, the addition of a 1% cap on Public Educational Government (PEG) channels and that the legislation allows subscribers, not local government to enforce anti-discrimination policies.

**Celinda Rouch**, ICTA, gave the Committee an information sheet listing the current costs to cable video subscribers in Boise and Garden City, pointing out the yearly increase of \$8.76 to CableOne subscribers, should this legislation pass.

**Rep. Crane** clarified that if other companies entered the market, the fee increases would affect all customers evenly, and would not be a discriminatory practice against CableOne subscribers.

In response to Committee questions regarding PEG fee monies, **Ross Borden**, City of Boise, stated that a franchise fee of 5% is charged to companies for the use of public rights-of-way to build infrastructure and deliver services, and that this money goes into the city's general fund. Subscriber fees cover the costs of public access TV, so most of the PEG funds go to the city.

**Dave Swindell**, city of Pocatello, stated via conference call, that the city of Pocatello uses PEG fees to pay for programming equipment of public access channels.

**Bill Roden**, Roden Law Office, testified in favor of **H 303**. Mr. Roden stated that buildout requirements were designed 13-15 years ago to ensure that when cable companies came into Idaho, their services were available to as many citizens as possible. Now that there are other methods than land lines, such as satellite television, there is no longer a reason for maintaining buildout requirements.

**Mr. Roden** addressed the concern regarding section 50-3008, stating that discrimination would not occur between companies, but between cities. In rural areas it is cheaper to provide services using new technologies, instead of the traditional land lines, and by making the use of alternative technology or services a violation of section 50-3008, rural areas will be discriminated against because incoming companies will not want to invest the money in a land based system.

Regarding the concern that local government would not be able to enforce anti-discrimination policies, **Mr. Roden** stated that **H 303** does not prohibit local government from enforcing policies, but provides subscribers the opportunity to request that a solution or mediation be offered if they have complaints regarding services.

**Mr. Roden** stated that the 1% cap on PEG fees did not require the full amount, and that fees will be negotiated between cities and the companies.

In response to a question regarding how 1% was determined, **Mr. Roden** stated that a variety of numbers was discussed and 1% was reached without any particular "magic" behind it.

When asked if he would support a lower percentage, **Mr. Williams** stated that the ICTA would continue to oppose the bill even if the percentage was decreased, because placing a maximum on PEG fees places "the thumb of the state on the side of the city."

In regards to a question about PEG programming without the 1%, **Kathy Oborn**, city of Pocatello, stated (via conference call) that Pocatello would lose \$56,000, and she would be forced to reduce services or layoff staff.

**Mr. Williams** offered a compromise, that the ICTA would drop its insistence on the buildout requirements if the last two sentences, regarding alternative technology, if section 50-3008 were stricken, and subsection 7 on the last page of the bill were stricken entirely, to allow the PEG fee to be negotiated between the company and the city.

**Mr. Roden** stated that he could not agree with the elimination of the PEG fee cap without input from the cities.

**Mr. Borden** stated that the city of Boise likes the current franchise process and has a great relationship with CableOne, but in order to support **H 303**, it must include a PEG fee.

**Rep. Simpson** asked stakeholders if changing the 1% to one half of a percent would be agreeable.

**Mr. Borden** and **Mr. Swindell** and **Mr. Harwood** stated that they would not oppose the bill with an amendment to decrease the PEG percentage.

**MOTION:**

**Rep. Simpson** moved to have a new RS written, that would strike line 9 on page 14 to read, "no more than one half of 1% of gross revenues." **Motion carried on voice vote.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting was adjourned at 4:41 p.m.

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Representative Brent Crane  
Chair

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Amber Messa  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Monday, March 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>H 298</u></a>	Idaho Health Care Freedom Act	Senator Pearce
<a href="#"><u>RS20602C1</u></a>	Legislators and Elected Officials regarding PERSI benefits	Rep. Lake
<a href="#"><u>RS20693</u></a>	Emissions Testing	Rep. Crane
<a href="#"><u>RS20664</u></a>	Idaho Department of Insurance	Rep. Bilbao
<a href="#"><u>RS20700</u></a>	Video Franchising	Bill Roden, Qwest

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 28, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Wayne Hoffman, Idaho Federal Foundation; JoAn Condie, ICTA; MaryIn Bauer, IDEQ; Don Drum, PERSI; Ray Polzyn, Bill Roden, Qwest; Mike Gibson, Gibson Manufacturing; Joie McGarvin, AHIP; Sarah Fuitrman, Roden Law Office

**Chairman Loertscher** called the meeting to order at 8:01 A.M.

**H 298:** **Rep. Barbieri** presented **H 298** explaining that this legislation address concerns from constituents regarding the Federal Health Care Plan. This legislation would expand the Idaho Health Freedom Act to include greater protections for Idaho employers, insurers and medical providers. This would also stop the operability of the Patient Protection and Affordable Care Act's provisions while providing a verification process to protect taxpayers against the unnecessary implementation of this federal law. He explained the process in which a government agency can prove that they have exercised all other options before implementing any section of the Federal Health Care Law.

In response to committee questions, **Rep. Barbieri** stated that this legislation would avoid the expense of implementing the appropriate computer system and software within the Idaho Health Care Department. He stated that he has not talked with the Department of Health and Welfare about this legislation.

**Wayne Hoffman**, Idaho Freedom Foundation and **Mike Gibson**, Gibson Manufacturing testified in **favor of H 298**. Points of support include this legislation protects tax payers from the Federal Health Care Law; stops the implementation of the Federal Health Care Law; State agencies have to meet criteria before implementing any part of the Federal Health Care Law; and that this legislation is more cost effective than making businesses pay Federal Health Care Law penalties.

**MOTION:** **Rep. Crane** moved to send **H 298** to the floor with a **DO PASS** recommendation.

**Rep. McGeachin** spoke in support of the motion stating that there are no provisions within the Federal Health Care Law that requires states to implement the law. It is not the State's obligation to assist the Federal government with the implementation of their laws.

**Rep. King** spoke against the motion stating that the uninsured need to be covered and she explained the benefits the Federal Health Care Act could have on Idahoans.

**ROLL CALL  
VOTE ON  
MOTION:** The original motion is to send **H 298** to the floor with a **DO PASS** recommendation. A roll call vote was requested. **The motion passed 15 AYE to 3 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted AYE. Representatives, Smith (30), King, and Buckner-Webb voted NAY. Rep. Barbieri** will sponsor the bill on the floor.

**RS 20602C1:** **Rep. Lake** presented **RS 20602C1** explaining that this proposed legislation deals with the PERSI benefits of State Legislators. Present law allows a person that serves in the Legislature for a period of time to accumulate service time for PERSI benefits. That person can then take an appointment to a higher paying public position and after serving in that position a minimum of 42 months, retire with the benefits provided by the higher pay. He stated that no other elected official can claim this benefit and that legislators should be held to the same standard as other elected officials.

**MOTION:** **Rep. Simpson** moved to introduce **RS 20602C1**.

**SUBSTITUTE MOTION:** **Rep. Luker** moved to introduce **RS 20602C1** and send to the second reading calendar.

**Rep. Anderson** spoke in support of the original motion explaining that he would like to have a full debate on this issue.

**SUBSTITUTE MOTION:** The substitute motion to introduce **RS 20602C1** and send to the second reading calendar **failed on voice vote**.

**ORIGINAL MOTION:** The original motion to introduce **RS 20602C1** **passed on voice vote**.

**RS 20693:** **Rep. Crane** presented **RS 20693** explaining that this proposed legislation deals with the State emissions testing process. He explained that this legislation would require citizens that purchase a car to supply an emission test approval to the Department of Motor Vehicles (DMV) when first applying for registration. Currently the process is unclear which results in the person's registration being revoked. The car owner then has the financial burden of having to reapply for car registration.

In response to committee questions, **Rep. Crane** stated that the provision to supply an approval of emissions testing would only apply to newly purchased cars that are applying for registration from the DMV. He stated that he would be willing to better clarify this requirement within the legislation.

After committee discussion, **Rep. Crane** stated that he would work on **RS 20693** and reintroduce the legislation with the appropriate changes.

**RS 20700:** **Rep. Crane**, Chairman of the Subcommittee regarding **RS 20615 (H 303)**, reported back to the full committee. He stated that it was the recommendation of the Subcommittee to ask **Bill Roden** to introduce a new legislative proposal with the change, as negotiated in the Subcommittee.

**Bill Roden**, Qwest, presented **RS 20700** stating that this proposed legislation makes changes to **H 303** and explained who was involved in the negotiations within the Subcommittee. The PEG channel fee was changed from one percent to one half percent. He stated that PEG channel fees are not to exceed one half percent of the provider's gross revenues to support the city or county capital costs of providing PEG access channels.

In response to committee questions, **Mr. Roden** explained the definition of demand services and how PEG channels apply to that technology. He stated that any changes to the PEG channels happen by the counties or cities and not by the providers.

**MOTION:** **Rep. Simpson** moved to introduce **RS 20700** and send it to the second reading calendar.

**SUBSTITUTE MOTION:** **Rep. Anderson** moved to introduce **RS 20700**.

**Rep. Andrus** spoke in favor of the substitute motion stating that this issue needs to have a full hearing for the public.

**Rep. Crane** spoke in favor of the original motion stating that the Committee has been discussing the issue of video franchising for years and again extensively this session. He feels that compromises have been made and that this issue has been fully vetted. The opposition to this legislation comes from those that want to stop competition in the market.

**Rep. Stevenson** spoke in favor of the substitute motion explaining that he would like to have a full hearing on the new version of this legislation.

**Rep. Buckner-Webb** spoke in favor of the substitute motion explaining that she has not been around for the years of discussion on this issue and would like to have a full hearing.

**SUBSTITUTE  
MOTION:**

The substitute motion to introduce **RS 20700** carried on voice vote.

**ADJOURN:**

There being no further business before the Committee; the meeting was adjourned at 9:22 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Tuesday, March 29, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1075</u></a>	Relating to State Elected Officials	Mike Nugent, Research and Legislation
<a href="#"><u>S 1133</u></a>	Number of Horse Races Per Day	Stan Boyd, Idaho Horsemen's Association
<a href="#"><u>S 1026</u></a>	Idaho Replevin Act: Regarding Public Records	Carter Wilson, State Historical Records Advisory Board
<a href="#"><u>RS20693</u></a>	Emissions Testing	Rep. Crane

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 29, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Cater Wilson, SHRAB; Martin Bauer, IDEQ; Don Anderson, IHA; Rod House, State Historical Society; Mike Nugent, LSO; Vaughn Fisher, IHA; Ray Amaya, 670AM KBOI; Duayne Didericksen; Clayton Russell, IQHA; Stan Boyd, IQHA

**Chairman Loertscher** called the meeting to order at 8:02 A.M.

**Chairman Loertscher** stated that without objection; **Rep. Crane** will present **RS 20693** first.

**RS 20693:** **Rep. Crane** presented **RS 20693** explaining that this proposed legislation deals with the State emissions testing process. He explained that this legislation would require citizens that purchase a car to supply an emission test approval to the Department of Motor Vehicles (DMV) when first applying for registration. Currently the process is unclear which results in the person's registration being revoked. The car owner then has the financial burden of having to reapply for car registration.

**MOTION:** **Rep. Batt** moved to introduce **RS 20693** and send to the second reading calendar with Committee changes.

**SUBSTITUTE MOTION:** **Rep. King** moved to introduce **RS 20693** with Committee changes.

**Rep. Black** spoke in favor of the original motion stating that this is a straight forward issue that needs to be addressed.

**SUBSTITUTE MOTION:** The substitute motion to introduce **RS 20693** with Committee changes **failed on voice vote**.

**ORIGINAL MOTION:** The original motion to introduce **RS 20693** and send to the second reading calendar with Committee changes **passed on voice vote**. **Representatives Crane and Batt** will sponsor the bill on the floor.

**S 1075:** **Mike Nugent**, Legislative Services, presented **S 1075** explaining that this legislation corrects a section of Idaho Code that has out-of-date references and language.

**MOTION:** **Rep. Henderson** moved to send **S 1075** to the floor with a **DO PASS** recommendation. **The motion passed on voice vote**. **Rep. Sims** will sponsor the bill on the floor.

**S 1133:** **Sen. Winder** yielded his time to **Stan Boyd**, Idaho Quarter Horse Association, to present **S 1133**. Mr. Boyd stated that this legislation would revise provisions relating to the number of horse races per day in Idaho. This could be a smaller number than the minimum number of races per day. He explained how this flexibility would benefit Idaho horse race tracks and that this legislation is an effort to reopen closed race tracks.

**Duayne Didericksen**, representing self; spoke in **favor of S 1133**. He explained the jobs that will be generated by opening horse racing tracks and the money will contribute to local economies.

**MOTION:** **Rep. Higgins** moved to send **S 1133** to the floor with a **DO PASS** recommendation. **The motion passed on voice vote. Representatives Bilbao, and Higgins** will sponsor the bill on the floor.

**S 1026:** **Carter Wilson**, State Historical Records Advisory Board (SHRAB), presented **S 1026**. He explained the Idaho Replevin Act as the action brought to recover possession of goods by the rightful owner. He explained the issue of people taking documents from public domains to sell or have for personal use. This legislation would create the means and procedures to recover those records. He explained the process in which this would happen and that most recoveries are resolved through a letter being sent to the person and not through a court hearing. He stated that Ebay will not halt an auction of Idaho records because statutory language of State ownership does not exist. This legislation will correct this issue.

**Rod House**, Idaho State Archivist, spoke in **support of S 1026**. He stated that the proposed change provides the State, or authorized records custodians, the authority to reclaim and recover Idaho public records that may have been intentionally or unintentionally removed from their proper custodian. He explained current security measures in place to protect these documents.

**MOTION:** **Rep. Black** moved to send **S 1026** with a **DO PASS** recommendation. **The motion passed on voice vote. Rep. Black** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the Committee; the meeting was adjourned at 8:41 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Wednesday, March 30, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1165</a>	Pain Capable Unborn Child Protection Act	Sen. Winder

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 30, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Following the end of the session, the sign-in sheet, written testimony, and research submitted, will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:03 A.M.

**S 1165:** **Sen. Winder** presented **S 1165** explaining that this legislation deals with medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization. The purpose of this legislation is to state legislative findings that after twenty weeks after fertilization, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human.

**Kerry Unlenkott**, Right to Life of Idaho; **Sean Kenney**, Medical Doctor; **Monte Crandall**, Medical Doctor; **Julie Lynde**, Cornerstone Family Council; **Suzanne Anstine**, Medical Doctor; **L'Cinda Bitters**, representing self; **Marilyn Scott**, representing self; **Pro-Life**, American Right to Life; **Christine Tiddens**, Catholic Diocese, and **David Ripley**, Idaho Chooses Life, testified in **favor of S 1165**. Points of support include the medical research regarding fetal pain; life saving medical procedures performed on fetuses within the womb; pain medication given to a fetus twenty weeks after fertilization; Post Abortion Syndrome; and similar legislation introduced and passed in other states.

**Arvell Bajema**, representing self; **Alan Herzfeld**, representing self; **Marty Durand**, Planned Parenthood of the Great Northwest; **Charmaine Read**, representing self; **Hannah Brass**, ACLU of Idaho; **Ken McClure**, Idaho Medical Association; and **Sarah Scott**, Idaho Coalition Against Sexual Offenses, testified in **opposition to S 1165**. Points of opposition include giving options to women and families; the Attorney General's opinion finds this legislation unconstitutional; current law requires abortion to be determined by viability and not fetal pain; the litigation fund set up within this legislation; the six abortions (performed after the twenty weeks) that were performed in Idaho within the last year; and the mental health conditions of a women having to carry a baby that would die shortly after birth.

**Jason Herring**, Right to Life of Idaho, reiterated the need for this legislation and that other states have similar legislation in place to protect the unborn. He further explained the medical research done around the world regarding fetal pain at twenty weeks.

**MOTION:** **Rep. Crane** moved to send to **S 1165** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE  
MOTION:** **Rep. Higgins** moved to **HOLD S 1165** in Committee.

**Rep. Buckner-Webb** spoke in support of the substitute motion stating that this legislation is unconstitutional.

**Rep. King** spoke in support of the substitute motion explaining concerns such as the mother having to carry a baby to full term if the baby might not live after birth, the rights given to women in Idaho, and the money to defend possible law suits after the passage of this legislation.

**SUBSTITUTE  
MOTION:**

The substitute motion is to **HOLD S 1165** in committee. A roll call vote was requested. **The motion failed 4 AYE to 14 NAY. Representatives Smith (30), King, Higgins, and Buckner-Webb voted AYE. Chairman Loertscher, Vice Chairman Crane, Representatives Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted NAY.**

**ORIGINAL  
MOTION:**

The original motion is to send **S 1165** to the floor with a **DO PASS** recommendation. A roll call vote was requested. **The motion passed 14 AYE to 4 NAY. Chairman Loertscher, Vice Chairman Crane, Representatives Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, and Batt voted AYE. Representatives Smith (30), King, Higgins, and Buckner-Webb voted NAY. Rep. Crane will sponsor the bill on the floor.**

**ADJOURN:**

There being no further business before the Committee; the meeting was adjourned at 9:51 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Thursday, March 31, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1094</u></a>	Purchasing by Political Subdivisions	Stuart Davis, Idaho Association of Highway Districts
<a href="#"><u>S 1156</u></a>	Telecommunications Act	Amy Holly, Verizon
<a href="#"><u>H 316</u></a>	Levy Elections	Rep. Simpson
<a href="#"><u>H 308</u></a>	Bond Elections	Rep. Simpson
<a href="#"><u>RS20699</u></a>	Resolution: to Affirm Support for Carrying a Pregnancy Full Term and Adoption	Rep. King, Rep. Rusche
<a href="#"><u>H 320</u></a>	Video Franchising	Edward Lodge, Qwest

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 31, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:01 A.M.

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 22, 23, 24, and 29, 2011. **The motion carried on voice vote.**

**Rep. Simpson** moved to approve the minutes from the Subcommittee on March 24, 2011. **The motion carried on voice vote.**

**S 1094:** **Stuart Davis**, Idaho Association of Highway Districts, presented **S 1094** explaining that this legislation clarifies that a political subdivision may purchase items from the federal government. The federal government considers these items to be competitively bid; however, the process used does not meet the criteria set forth in current code. He stated that this legislation corrects that conflict.

**MOTION:** **Rep. King** moved to send **S 1094** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote.** **Rep. Henderson** will sponsor the bill on the floor.

**S 1156:** **Amy Holly**, Verizon, presented **S 1156** explaining that this legislation regards the Telecommunications Act. She yielded her time to **Milt Doumit**, Verizon, explaining the current process of telecommunications filing price list with the Public Utilities Commission (PUC). This legislation would change that process by requiring the information to be posted online instead of being filed with the PUC.

In response to committee questions, **Mr. Doumit** stated that this is a burdensome requirement and that other states throughout the nation have passed similar legislation. He explained all the ways that customers are notified of price changes and that this would be a minor change for the customer.

**MOTION:** **Rep. Higgins** moved to send **S 1156** to the floor with a **DO PASS** recommendation. **Rep. Luker** spoke against the motion stating that he doesn't want to take that information away from the PUC.

The motion is to send **S 1156** to the floor with a **DO PASS** recommendation. **The motion carried on raise of hand vote.** **Rep. Crane** will sponsor the bill on the floor.

**H 316:** **Rep. Simpson** presented **H 316** explaining that an emergency clause has been added to the legislation as recommended by the Committee. This legislation provides notice and ballot requirements for levy elections.

**MOTION:** **Rep. Luker** moved to send **H 316** to the floor with a **DO PASS** recommendation. **The motion passed on voice vote. Rep. Simpson** will sponsor the bill on the floor.

**H 308:** **Rep. Simpson** presented **H 308** explaining that an emergency clause has been added to the legislation as recommended by the Committee. The purpose of this legislation is to provide more transparency when dealing with bond elections. He explained that this will add requirements of the taxing districts to provide on the ballot the specific purpose for which the bonds are to be used, disclose the interest amounts of the bonds, and when the bonds will be paid off.

**MOTION:** **Rep. Bilbao** moved to send **H 316** to the floor with a **DO PASS** recommendation. **Rep. Higgins** spoke in support of the motion stating that this legislation brings more transparency to the election process within the State.

The motion is to send **H 316** to the floor with a **DO PASS** recommendation. **The motion passed on voice vote. Rep. Simpson** will sponsor the bill on the floor.

**RS 20699:** **Rep. King** yielded her time to **Rep. Rusche** who presented **RS 20699**. He explained that the purpose of this proposed resolution affirms the Idaho Legislature's support for carrying a pregnancy to full term and support for adoptions of children.

**MOTION:** **Rep. Higgins** moved to introduce **RS 20699** and to send to the second reading calendar.

**SUBSTITUTE MOTION:** **Rep. Crane** moved to introduce **RS 20699**. **The substitute motion carried on voice vote.**

**H 320:** **Edward Lodge**, Qwest, presented **H 320** explaining that this legislation includes changes, as were recommended by the Committee, from H 303. This legislation allows funding for Public, Education, and Government (PEG) channels. He explained that currently counties and cities are able to charge users for PEG channels up to three percent of gross revenues. This legislation would cap that fee at one half of one percent. He explained that this is not a tax increase because counties and cities currently charge PEG fees. He stated that this legislation promotes competition within the video franchising market and creates jobs and revenue for Idaho.

**Teri Nolind**, Treasure Valley Community Television (TVCTV); **Lance Thompson**, Bagpipe Luau; **Patrick Daly**, TVCTV; **Alex McNish**, TVCTV; **Pamela Thompson**, Bagpipe Luau; **Celynda Roach**, Idaho Cable Telecommunications Assn. (ICTA); **Ron Williams**, Idaho Tort Claims Act; **David Carlson**, representing self; **Cathy Oborn**, representing self; **Verna Pitman**, Channel 12 Volunteer; **Dexter Pitman**, representing self; and **Roy Eiguren**, Comcast/Cox, testified in **opposition to H 320**. Points of opposition include that PEG channels will be harder for users to find; PEG channel users not included in negotiations; legislation allows for modifications regarding where a provider will and will not provide services; discrepancies within the complaint process; requires providers to charge a PEG fee; and removes the local negotiation process.

**Alex LaBeau**, Idaho Association of Commerce and Industry; **Roger Madsen**, Idaho Department of Labor; and **John Eaton**, Idaho Association of Realtors, testified in **favor of H 320**. Points of support include that this legislation would expand the market by streamlining the process for a statewide franchise; reduce the PEG fees that can be imposed on users; create jobs; the current process forces competitors out of Idaho; and that this legislation is an option for current providers to use.



**Edward Lodge**, Qwest, explained that this legislation does not force the current providers to change anything about their services, but simply gives them the option to use a statewide franchise agreement if they so chose. He reiterated that the one half of one percent PEG fee was a negotiation between stakeholders and that the current PEG fee cap is three percent. This legislation will create a more competitive video franchising market and will attract providers nationwide to do business in Idaho.

**MOTION:** **Rep. Simpson** moved to send to the floor with a **DO PASS** recommendation. A roll call vote was requested. **The motion failed 6 AYE to 11 NAY. Vice Chairman Crane, Representatives Bilbao, Palmer, Simpson, Guthrie, and Batt voted AYE. Chairman Loertscher, Representatives Stevenson, Black, Andrus, Luker, Henderson, Sims, Smith (30), King, Higgins, and Buckner-Webb voted NAY.**

**ADJOURN:** There being no further business before the Committee, the meeting was adjourned at 9:58 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Monday, April 04, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1187</a>	Regarding Beer and Wine Distributing	Jeremy Pisca, Idaho Beer and Wine Distributors Association

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Henderson
Vice Chair Crane	Rep McGeachin
Rep Anderson	Rep Sims
Rep Stevenson	Rep Takasugi(Batt)
Rep Black	Rep Smith(30)
Rep Andrus	Rep King
Rep Bilbao	Rep Higgins
Rep Luker	Rep Buckner-Webb
Rep Palmer	
Rep Simpson	
Rep Guthrie	

COMMITTEE SECRETARY

Camille Luna  
Room: EW46  
Phone: (208) 332-1145  
email: [cluna@house.idaho.gov](mailto:cluna@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, April 04, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb (McCoy)

**ABSENT/  
EXCUSED:** Representative(s) Anderson, Henderson, Bilbao

**GUESTS:** Jeremy Pisca, Idaho Beer and Wine Distributors Association; Roy Eiguren, North West Grocery Association; John Jackson, Jacksons Foods; Suzanne Budge, Idaho Petroleum Marketers & C-Store Association,

**Chairman Loertscher** called the meeting to order at 8:32 A.M.

**S 1187:** **Jeremy Pisca**, Idaho Beer and Wine Distributors Association, presented **S 1187**. He explained the three-tier regulation system that is currently in place for licensed beer and wine suppliers, distributors, and retailers. This legislation changes the regulation system by allowing a five-day grace period for transactions utilizing electronic funds transfers. This legislation does not allow for the extension or acceptance of credit but simply allows for a five-day grace period for electronic funds transfer to be completed as promptly as is reasonable. He asked that the letter from Risch-Pisca, Law and Policy firm that represents the Idaho Beer and Wine Distributors Association, regarding **S 1187** be submitted into the minutes to be part of the official State record.

**Roy Eiguren**, North West Grocery Association; **John Jackson**, Jacksons Foods; and **Suzanne Budge**, Idaho Petroleum Marketers & C-Store Association, testified in **favor of S 1187**. Points of support included that this legislation would benefit Idaho grocers, provides more flexibility and authority to distributors, and that this legislation is the result of a compromise of stakeholders.

**MOTION:** **Rep. Higgins** moved to send **S 1187** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. Batt** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the Committee, the meeting was adjourned at 8:42 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room EW40  
Tuesday, April 05, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1198</a>	Primary Elections	Rep. Denney, Sen. Hill

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb(McCoy)

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, April 05, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb (McCoy)

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Jan Sylvester; Gary Allen, Independent Voters; Ray Armaya, 670AM KBOI

**Chairman Loertscher** called the meeting to order at 8:00 A.M.

**MOTION:** **Rep. Smith (30)** moved to approve the minutes of March 28, 2011. **The motion carried on voice vote.**

**MOTION:** **Rep. Batt** moved to approve the minutes of March 30, 31, and April 4, 2011. **The motion carried on voice vote.**

**S 1198:** **Speaker of the House Lawrence Denney** presented **S 1198** explaining that the purpose of this legislation is to comply with a federal court ruling regarding the constitutionality of the current primary election process. This legislation sets up a system of party registration, the process of changing party affiliation, and the process in which a party determines which ballot they will use for the primary election.

In response to committee questions, **Speaker Denney** stated that the primary elections will default to a closed primary unless the party notifies the Secretary of State's Office 180 days before the election. Although parties are able to keep the current process of primary elections, this legislation will make the process constitutional because of the option given to the parties to have a closed or open primary. He explained the fiscal note and that the moneys from the general fund will be used to educate voters and implement the new primary election procedures in the counties. The Legislative Joint Financial Appropriations Committee will not set the funds from the fiscal note until next session because this legislation does not apply until the 2012 primary election. The funds addressed in the fiscal note will be lessened every primary election because the process will already be in place. He explained that the Chairman of the political party is responsible for notifying the Secretary of State's Office regarding what form of primary they will have. It is not included within this legislation that the Chairman of the political party is to council with its members before notifying the Secretary of State's Office and could unilaterally make that decision. He explained that this is unlikely and was not the intent of the legislation. This legislation applies to all political parties that meet the criteria of a qualified party.

**Gary Allen**, attorney representing Independent Voters, testified in **opposition to S 1198**. He stated that a mandatory registration process is unnecessary and an intrusion on voter privacy. He explained alternative primary election ideas such as a convention or caucus.

In response to committee questions, **Mr. Allen** stated that this legislation does not need to pass this session because the next primary election is not until 2012. He explained that a person's registered affiliation will be public record and that tax payers are paying for this new process.

**Tim Hurst**, Secretary of State's Office, testified in **favor of S 1198**. He explained that the fiscal impact does include the cost for counties to print the extra ballots. He explained the process of absentee ballots and how absentee voters can declare their affiliation. The money allotted within the fiscal note will be used to educate voters on how and when to register or change party affiliation prior to election day.

**MOTION:** **Rep. Crane** moved to **HOLD S 1198 for one legislative day**. He spoke to his motion stating that he has issues regarding this legislation that need he would like to have answered before he cast his vote.

**Rep. Higgins** spoke in support of the motion. She stated her concerns regarding tax payers having to pay for party affiliation registration.

**MOTION:** The motion is to **HOLD S 1198 for one legislative day. The motion passed on voice vote.**

**ADJOURN:** There being no further business before the Committee; the meeting was adjourned at 8:48 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
7:30 A.M.  
Room EW40  
Wednesday, April 06, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>S 1198</u></a>	Primary Elections	Rep. Denney
<a href="#"><u>RS20747</u></a>	Primary Elections	Rep. Denney
<a href="#"><u>SCR 107</u></a>	Administrative Fee Rules	Paige Parker, Legislative Services
<a href="#"><u>H 342</u></a>	Siting of Wind Energy Facilities	Rep. Loertscher

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie

Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb(McCoy)

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, April 06, 2011

**TIME:** 7:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb (McCoy)

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 7:30 A.M.

**S 1198 & RS 20747:** **Rep. Crane** presented the changes to **S 1198** within **RS 20747**. This legislation changes language regarding who will notify the Secretary of State's Office regarding what kind of primary election a political party chooses to use. The original bill stated that the Chairman of the political party was responsible for making the notification. There were concerns regarding if the Chairman was required to council with the party central committee or if they could make the decisions unilaterally. The new language corrects this concern by removing the language specifying that the chairman is to notify the Secretary of State's Office and replaces it with the political party.

**MOTION:** **Rep. Luker** moved to introduce **RS 20747** with changes and send to the second reading calendar. **The motion carried on voice vote. Representatives King, Higgins, McCoy, and Smith** asked to be recorded as voting **NAY**.

**MOTION:** **Rep. Crane** moved to **HOLD S 1198** in committee. **The motion carried on voice vote.**

**SCR 107:** **Paige Parker**, Legislative Services, presented **SCR 107** explaining the legislative process of reviewing, changing, and approving administrative rules. This resolution approves administrative rules that impose a fee or charge, with a stated exception, and rejects agency rules that are not approved by the Legislature.

**MOTION:** **Rep. Higgins** moved to send **SCR 107** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote. Rep. McGeachin** will sponsor the bill on the floor.

**H 342:** **Rep. Loertscher** presented **H 342** explaining that he will cite **House Rule 38** because he has property that may be affected by the passage of this legislation. He explained that the purpose of this legislation is to establish minimum standards for setbacks of wind turbines from residential property lines. Residential property is defined within this legislation. He explained the notice requirements to residents and that energy facilities cannot erect turbines closer than two miles to a residence unless waived in writing by the property owner. He explained the safety risks of the moving shadows cast onto roads. He stated that this is not a local issue because the State currently regulates siting issues such as manufactured homes, confined animal feeding operations (CAFO), and requiring zoning ordinances.



In response to committee questions, **Rep. Loertscher** stated that this legislation protects property owners. If a citizen wishes to have wind turbines within two miles to their residence then a waiver can be signed to allow this. He explained that current wind projects operating within two miles of a residence would be grandfathered in under this legislation. Grandfathered in projects cannot erect new turbines and cannot expand the height of current working turbines.

**Seth Grigg**, Idaho Association of Counties; **Rich Rayhill**, Ridgeline Energy; **Michele Sherrer**, Gem County; **Kelly Aberastori**, Owyhee County; **Armand Eckert**, Magic Wind; **Dawn Maire Cardwell**, Blackhawk Wind Farm; **Scott Montgomery**, Cedar Creek Wind; **Suzanne Leta Liou**, RES America; and **Bill Block**, J.U.B. Energy, testified in **opposition to H 342**. Points of opposition included that the counties were not involved with the drafting of this legislation; concerns regarding current wind projects; that the current system is adequate; options citizens have to stop wind energy in local communities; this legislation takes power away from the Planning and Zoning Commissions; the shadow issue is irrelevant because of current shadows cast by planes and birds; this legislation infringes on personal property rights because it does not let citizens erect wind turbines on personal property; this legislation will drive business out of Idaho; the lack of land to continue projects because of the two mile limit; and the suggestion to send these issues to the Interim Energy Committee that will be convening this summer.

In response to committee questions, **Mr. Grigg**, Idaho Association of Counties (IAC), stated that the IAC is not against the State setting siting standards for the Counties but that they do want to be involved in the standard making process. Currently counties do not have wind energy standards. IAC is in support of all CAFO regulations and was involved in all negotiations to ensure flexibility for the counties

**Connie Clawson**, real estate agent; **Rayma Cates**, representing self; **Tauna Christensen**, representing self; and **Dale Thompson**, real estate agent, testified in **support of H 342**. Points of support included the effect of wind turbines on property values; that this is not a local issue; property owners are not being represented; the Planning and Zoning Commissions not listening to citizens; the issue of County Commissioners over turning the Planning and Zoning Commission rulings; taxpayers funding the State incentives for wind developers; the distance of two miles being reasonable, and that wind power is beneficial when the citizens affected are involved in the process.

**Rep. Loertscher** reiterated that current permitted projects located closer than two miles of a residence can continue under this legislation if they are already permitted. He clarified the definition of what expansion is in the bill. The two mile radius is from the place of residence and not from the property line. He explained why wind turbines are detrimental to citizen's property values. He stated that the Committee will only be delaying action if they choose to refer these issues to the Interim Energy Committee.

**MOTION:**

**Rep. McGeachin** moved to send **H 342** to the floor with a **DO PASS** recommendation. She spoke to her motion stating that this legislation will put into place standards to protect property owners.

**SUBSTITUTE  
MOTION:**

**Rep. Anderson** moved to **HOLD H 342** in committee. He spoke to his motion stating that he serves on the Interim Energy Committee and feels that the issues within **H 342** will be better vetted within that committee. He stated that more negotiations should happen to ensure that all that are affected by this legislation are in support. He explained that this legislation was quickly introduced, did not have a hearing, and needs more time to acquire input from all stakeholders. He feels that more time needs to be spent on this issue to ensure a good energy policy in Idaho.

**Rep. Loertscher** spoke against the substitute motion stating that the reason for this legislation being late in the session was because it was suggested that siting bill would be appropriate and that the issue needed to be addressed.

**Rep. Stevenson** spoke in support of the substitute motion stating that the best place for these issues are in the Interim Energy Committee.

**Rep. Higgins** spoke in support of the substitute motion stating there are different issues regarding wind energy within each county and that siting needs to remain at a local level.

**Rep. Bilbao** spoke in support of the substitute motion explaining that citizens have options to protect property.

**Rep. Andrus** spoke in support of the substitute motion explaining that the State has invited alternative energy into the State by offering incentives and now that those companies are here, this legislation will stop the expansion of those projects.

**Rep. Simpson** spoke in support of the original motion explaining that the counties want this legislation for guidance on how to deal with wind energy. He stated that this is not a local issue because the State has set up state tax incentives and rebates using state money which makes wind energy a state issue.

**Rep. Luker** spoke in support of the original motion stating that this Committee has been well informed on wind energy this session. He feels that this legislation considers the property owners that have exercised all other options to stop unwanted wind production.

**Rep. Smith** spoke in support of the substitute motion explaining that the Interim Energy Committee is a more appropriate place for these issues.

**ROLL CALL ON  
SUBSTITUTE  
MOTION:**

The substitute motion is to **HOLD H 342** in committee. A roll call vote was requested. **The substitute motion passed 11 AYE to 8 NAY. Representatives Anderson, Stevenson, Black, Andrus, Bilbao, Guthrie, Henderson, Smith (30), King, Higgins, and McCoy voted AYE. Chairman Loertscher, Vice Chairman Crane, Representatives Luker, Palmer, Simpson, McGeachin, Sims, and Batt voted NAY.**

**ADJOURN:**

There being no further business before the Committee, the meeting was adjourned at 10:02 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary

AGENDA  
HOUSE STATE AFFAIRS COMMITTEE  
8:30 A.M.  
Room EW40  
Thursday, April 07, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chair Crane  
Rep Anderson  
Rep Stevenson  
Rep Black  
Rep Andrus  
Rep Bilbao  
Rep Luker  
Rep Palmer  
Rep Simpson  
Rep Guthrie  
Rep Henderson  
Rep McGeachin  
Rep Sims  
Rep Takasugi(Batt)  
Rep Smith(30)  
Rep King  
Rep Higgins  
Rep Buckner-Webb(McCoy)

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, April 07, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Takasugi (Batt), Smith (30), King, Higgins, Buckner-Webb (McCoy)

**ABSENT/  
EXCUSED:** NONE

**GUESTS:**

Chairman Loertscher called the meeting to order at 8:30 A.M.

**MOTION:** Rep. Batt moved to approve the minutes of April 5, and 6, 2011. The motion carried on voice vote.

**ADJOURN:** There being no further business before the Committee, the meeting was adjourned at 8:39 A.M.

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Representative Loertscher  
Chair

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Camille Luna  
Secretary